

U.S. Department of Labor Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



09/17/2021

RM Masonry and Stucco INC
and its successors
1013 NE 13th Street
Fort Worth, TX 76102

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 (817) 428-2470.

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. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

Timothy Minor
Timothy Minor
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



Citation and Notification of Penalty

To:
RM Masonry and Stucco INC
and its successors
1013 NE 13th Street
Fort Worth, TX 76102

Inspection Number: 1521404
Inspection Date(s): 03/24/2021 - 03/26/2021
Issuance Date: 09/17/2021

Inspection Site:
3500 North Bonnie Brae, Building 12
Denton, TX 76202

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 (817) 428-2470. 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. At the top of the 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. 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 09/17/2021. The conference will be held by telephone or at the OSHA office located at 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1521404

Company Name: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202
Issuance Date: 09/17/2021

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, 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180.**

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: 1521404
Inspection Date(s): 03/24/2021 - 03/26/2021
Issuance Date: 09/17/2021



Citation and Notification of Penalty

Company Name: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

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

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use.

On or about March 24, 2021, and at times prior thereto and times thereafter, at the construction site, employees were engaged in masonry work that utilized bricks (silica) and concrete mix (crystalline silica). The employer did not ensure that safety data sheets were provided to employees or made them readily available to promote the safe handling and use of the hazardous chemical products such as, but not limited to, respirable crystalline silica.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$4,505.00

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: 1521404
Inspection Date(s): 03/24/2021 - 03/26/2021
Issuance Date: 09/17/2021



Citation and Notification of Penalty

Company Name: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

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

29 CFR 1926.25(a): During the course of construction, debris such as; scaffolding components, plastic conduit, pallets, boards and masonry bricks and blocks were not kept cleared from work areas, scaffold egress and passageways around the building.

On or about March 24, 2021 and times prior there to and at times there after, employees were exposed to trip hazards in the work areas around the scaffold system and directly under and adjacent to scaffold system means of egress. Hazards were caused by excessive amounts of scaffolding components, plastic conduit, pallets, boards and masonry bricks and blocks.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET)

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$4,505.00

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

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

29 CFR 1926.451(h)(1): Each employee on a scaffold was not provided with additional protection from falling hand tools, debris, and other small objects through the installation of toe-boards, screens, guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. For falling objects too large, heavy or massive to be contained or deflected, the employer did not place and secure such potential falling objects away from the edge of the surface from which they could fall.

On or about March 24, 2021, and at times prior thereto and times thereafter, at the construction site, the employer did not ensure that protective measures were provided on all working levels and areas to prevent bricks, tools and other material from falling to lower levels where employees performed masonry work on a five (5) tier scaffold system exposing them to struck-by hazards.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET)

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$4,505.00

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

Inspection Number: 1521404
Inspection Date(s): 03/24/2021 - 03/26/2021
Issuance Date: 09/17/2021



Citation and Notification of Penalty

Company Name: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

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

29 CFR 1926.452(c)(4): End frames of tubular welded frame scaffolding were not locked together vertically by use of pins or equivalent means in areas where uplift could occur:

On or about March 24, 2021, and at times prior thereto, at the construction site, the employer did not ensure that metal pins were installed preventing an uplift where employees performed masonry work from scaffolding system(s) that were five tiers high.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2021**
Proposed Penalty: **\$10,513.00**

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5 a Type of Violation: **Serious**

29 CFR 1926.1153(c)(1): For each employee engaged in a task identified on Table 1, the employer did not fully and properly implement the engineering controls, work practices, and respiratory protection specified for the task on Table 1, unless the employer assesses and limits the exposure of the employee to respirable crystalline silica in accordance with paragraph (d) of this section:

On or about March 24, 2021, or times prior thereto, at the construction site, the employer did not ensure that employees using a masonry saw to cut bricks were protected from being exposed to silica with the use of engineering controls, work practices and respiratory protection.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET),

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$4,505.00

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 1 Item 5 b Type of Violation: **Serious**

29 CFR 1926.1153(d)(2)(i): The employer did not assess the exposure of each employee who was or may reasonably be expected to be exposed to respirable crystalline silica at or above the action level in accordance with either the performance option in paragraph (d)(2)(ii) or the scheduled monitoring option in paragraph (d)(2)(iii) of this section:

On or about March 24, 2021, or times prior thereto, at the construction site, the employer did not assess the exposure(s) for employees using a masonry saw to cut bricks. Employees were potentially exposed to silica while working in a cloud of dust.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET),

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$0.00

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

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

29 CFR 1926.451(b)(1): Each platform on all working levels of scaffolds was not fully planked or decked between the front uprights and the guardrail supports as specified in paragraphs 1926.451(b)(1)(i)-(ii)

On or about March 24, 2021, and at times prior thereto, at the construction site, the employer did not ensure that the scaffold system(s) were fully planked where employees performed masonry work, exposing the employees to trip and fall hazards to the lower level.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 1366088, citation number 001, item number 002, issued on January 16, 2019, and was affirmed as a final order on February 12, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 1329085, citation number 001, item number 002, issued on September 12, 2018, and was affirmed as a final order on October 25, 2018, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET),

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$12,015.00

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 2 Item 2 Type of Violation: **Repeat - Serious**

29 CFR 1926.451(c)(1): Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) were not restrained from tipping by guying, tying, bracing, or equivalent means, as set forth in subparagraphs (i) - (iii) of this paragraph.

On or about March 24, 2021, and at times prior thereto and times thereafter, at the construction site, employees performed masonry activities on five (5) tier high scaffold system(s) that was not restrained exposing the employees to fall hazards over 30 feet.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(c)(1), which was contained in OSHA inspection number 1366088, citation number 001, item number 003a, issued on January 16, 2019, and was affirmed as a final order on February 12, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2021**
Proposed Penalty: **\$21,026.00**

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 3 a Type of Violation: **Repeat - Serious**

29 CFR 1926.451(e)(1): When scaffold platforms are more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from another scaffold, structure, personnel hoist, or similar surface shall be used. Cross-braces shall not be used as a means of access.

On or about March 24, 2021, and at times prior thereto, at the construction site, employees were working from scaffold system(s) performing masonry work on the third, fourth and fifth tiers without being provided a ladder for safe access/egress, exposing them to fall hazards of approximately 30-feet to the lower level.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(1), which was contained in OSHA inspection number 1329085 , citation number 001, item number 003, issued on September 12, 2018, and was affirmed as a final order on October 25, 2018, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2021**
Proposed Penalty: **\$21,026.00**

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 2 Item 3 b Type of Violation: **Repeat - Serious**

29 CFR 1926.451(e)(9)(iv): Cross braces on tubular welded frame scaffolds were used as a means of access or egress.

On or about March 24, 2021, and times prior thereto, employer did not ensure that employees working on five (5) tier scaffold system(s) had a safe means of access/egress, exposing them to fall hazards up to approximately 30-feet to the level below.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(9)(iv), which was contained in OSHA inspection number 1380190, citation number 001, item number 001b, issued on April 10, 2019, and was affirmed as a final order on May 6, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$0.00

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 2 Item 4 Type of Violation: **Repeat - Serious**

29 CFR 1926.451(f)(3): Scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity:

On or about March 23, 2021, and times prior thereto, the employer did not ensure that the scaffolding system(s) were inspected by a competent person for structural integrity and defects prior to allowing employees to perform masonry work from the scaffold system.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(f)(3), which was contained in OSHA inspection number 1380190, citation number 001, item number 002, issued on April 10, 2019, and was affirmed as a final order on May 6, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$18,023.00

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 2 Item 5 Type of Violation: **Repeat - Serious**

29 CFR 1926.451(f)(7):Scaffolds shall be erected, moved, dismantled, or altered only under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration. Such activities shall be performed only by experienced and trained employees selected for such work by the competent person.

On or about March 24, 2021, and times prior thereto, the employer did not ensure that an employee erecting and/or dismantling the scaffolding system was supervised by a competent person at all times. The employee was exposed to falls hazards of approximately 30-feet to the lower level below.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(f)(7), which was contained in OSHA inspection number 1380190, citation number 001, item number 004, issued on April 10, 2019, and was affirmed as a final order on May 6, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2021**
Proposed Penalty: **\$21,026.00**

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 2 Item 6 Type of Violation: **Repeat - Serious**

29 CFR 1926.451(g)(1): Each employee on a scaffold of more than 10 feet (3.1m) above a lower level was not protected from falling to that lower level by fall protection established in accordance with paragraphs (g)(1)(i) through (vii) of this section.

On or about March 24, 2021, and at times prior thereto, employee(s) who worked from a scaffolding system were not protected from falling to the lower level by the use of guardrail systems or personal fall arrest systems where:

- a) open sides and ends were unguarded on 3rd tier sections of the scaffold system;
- b) open sides and ends were unguarded on 5th tier sections of the scaffold system;
- c) open and unguarded interior stairwells and balcony's; and
- d) open walkways located within a scaffold to cross over between the two scaffold systems.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 1380190 , citation number 002, item number 001, issued on April 10, 2019, and was affirmed as a final order on May 6, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 1366088, citation number 001, item number 004, issued on January 16, 2019, and was affirmed as a final order on February 12, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 1329085 , citation number 001, item number 004a, issued on September 12, 2018, and was affirmed as a final order on October 25, 2018, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

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: 1521404
Inspection Date(s): 03/24/2021 - 03/26/2021
Issuance Date: 09/17/2021



Citation and Notification of Penalty

Company Name: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2021
Proposed Penalty:	\$52,564.00

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 2 Item 7 Type of Violation: **Repeat - Serious**

29 CFR 1926.452(c)(2): Tubular welded frames and panels were not braced by cross, horizontal, or diagonal braces, or combination thereof, which would have secured vertical members together laterally:

On or about March 24, 2021, and at times prior thereto and times thereafter, at the construction site, the employer did not ensure that the scaffolding system was braced on both sides, the scaffold had five tiers and was approximately 30 feet in height, employees performing masonry work from the third and fifth tier, were exposed to falls to the level below.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.452(c)(2), which was contained in OSHA inspection number 1380190, citation number 001, item number 005, issued on April 10, 2019, and was affirmed as a final order on May 6, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2021**
Proposed Penalty: **\$21,026.00**

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: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202

Citation 2 Item 8 Type of Violation: **Repeat - Serious**

29 CFR 1926.454(a): The employer did not have each employee who performed work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

On or about March 24, 2021 and times prior thereto, the employer did not ensure that employees erecting, dismantling, and working from a scaffolding system had proficient knowledge and could identify potential defects or hazards, exposing employees to falls up to 30-feet to the level below.

RM Masonry and Stucco Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.454(a), which was contained in OSHA inspection number 1380190, citation number 001, item number 006, issued on April 10, 2019, and was affirmed as a final order on May 6, 2019, with respect to a workplace located at 705 Avenue B, Garland, TX 75048.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: October 18, 2021
Proposed Penalty: \$21,026.00

Timothy Minor

Timothy Minor
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
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



INVOICE / DEBT COLLECTION NOTICE

Company Name: RM Masonry and Stucco INC
Inspection Site: 3500 North Bonnie Brae, Building 12, Denton, TX 76202
Issuance Date: 09/17/2021

Summary of Penalties for Inspection Number: 1521404

Citation 1 Item 1, Serious	\$4,505.00
Citation 1 Item 2, Serious	\$4,505.00
Citation 1 Item 3, Serious	\$4,505.00
Citation 1 Item 4, Serious	\$10,513.00
Citation 1 Item 5a, Serious	\$4,505.00
Citation 1 Item 5b, Serious	\$0.00
Citation 2 Item 1, Repeat - Serious	\$12,015.00
Citation 2 Item 2, Repeat - Serious	\$21,026.00
Citation 2 Item 3a, Repeat - Serious	\$21,026.00
Citation 2 Item 3b, Repeat - Serious	\$0.00
Citation 2 Item 4, Repeat - Serious	\$18,023.00
Citation 2 Item 5, Repeat - Serious	\$21,026.00
Citation 2 Item 6, Repeat - Serious	\$52,564.00
Citation 2 Item 7, Repeat - Serious	\$21,026.00
Citation 2 Item 8, Repeat - Serious	\$21,026.00

TOTAL PROPOSED PENALTIES: \$216,265.00

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. 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.

Timothy Minor

Timothy Minor

Area Director

September 17, 2021

Date