

U.S. Department of Labor

Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



Citation and Notification of Penalty

To:

MARTIN DAVILA, dba DAVILA CONSTRUCTION
9416 Muriel Avenue
Saint Louis, MO 63114

Inspection Number: 1403023

Inspection Date(s): 05/17/2019 - 05/17/2019

Issuance Date: 11/13/2019

Reply to the Attention of: Response Team Leader

Inspection Site:

402 Fuller Drive
Wentzville, MO 63385

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 314-425-4249. 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 11/13/2019. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1403023

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385
Issuance Date: 11/13/2019

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, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

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: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

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

29 CFR 1926.152(f)(3): Flammable liquids were used where there were open flames or other sources of ignition within 50 feet of the operation:

The employer is failing to prevent employee exposure to fire hazards. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri. The employer does not ensure employee(s) are using a Hitachi, gas- powered, wheeled, air compressor, such that it is located well away from a 5-gallon, military style gas can.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/10/2019
Proposed Penalty:	\$4376.00

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

Inspection Number: 1403023
Inspection Date(s): 05/17/2019 - 05/17/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

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

29 CFR 1926.152(g)(11): Each service or refueling area was not provided with at least one fire extinguisher having a rating of not less than 20 B:C located so that an extinguisher would be within 75 feet of each pump, dispenser, underground fill pipe opening and lubrication or service center.

The employer is failing to prevent employee exposure to fire hazards. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri. The employer does not ensure employee(s) are provided at least one fire extinguisher where they refuel a Hitachi, gas- powered, wheeled, air compressor on the jobsite.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/10/2019
Proposed Penalty:	\$4376.00

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: 1403023
Inspection Date(s): 05/17/2019 - 05/17/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

The employee is failing to train employees on the recognition of fall hazards associated with residential construction. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri. The employer does not ensure employees installing shingles and underlayment on a residential roof are able to recognize and minimize their exposure to fall hazards.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

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

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

The employer is failing to train employees on the recognition of fall hazards associated with ladder use. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri. The employer does not ensure employees using a portable extension ladder as a means of egress for a residential roof are able to recognize and minimize their exposure to fall hazards.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/10/2019
Proposed Penalty:	\$4376.00

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

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Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

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

29 CFR 1926.20(b)(2): The employer did not initiate and maintain a safety program which provides for frequent and regular inspections of jobsites, materials, and equipment to be made by a competent person:

The employer is failing to protect employees from struck-by hazards and fall hazards. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri, where the employer did not initiate and maintain programs which provides for frequent and regular inspections of the jobsite. The following hazards are noted:

1. Exposure to eye and face hazards created while using a pneumatic nail gun.
2. Exposure to fall hazard(s) while working at greater than 6 feet above the ground.

Martin Davila was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.20(b)(2), which was contained in OSHA inspection number 996370 citation number 1, item number 1 and was affirmed as a final order on November 06, 2014 with respect to a workplace located at 632 Westwick Court, Swansea, Illinois 62226.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement; applicable measurement and monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/10/2019
\$8752.00



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

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

29 CFR 1926.102(a)(1): The employer did not ensure that each affected employee was using eye protection when exposed to eye or face hazards from flying particles.

The employer is failing to protect employee(s) from eye and face hazards. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri. The employer does not ensure employee(s) installing shingles using a pneumatic nail gun use eye protection.

Martin Davila was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.102(a)(1), which was contained in OSHA inspection number 1245887, citation number 1, item number 3 and was affirmed as a final order on July 25, 2017, with respect to a workplace located 1163 First Capitol Drive, Saint Charles, Missouri 63301.

Martin Davila was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.102(a)(1), which was contained in OSHA inspection number 996370, citation number 1, item number 3 and was affirmed as a final order on November 6, 2014 with respect to a workplace located at 632 Westwick Court, Swansea, Illinois 63114.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/10/2019
Proposed Penalty:	\$21879.00

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

Inspection Number: 1403023
Inspection Date(s): 05/17/2019 - 05/17/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

The employer is failing to protect employee(s) from fall hazards. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri. The employer does not ensure each employee who is exposed to falls greater than 6 feet while working on a residential roof used fall protection.

Martin Davila was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926. 501(b)(11), which was contained in OSHA inspection number 1245887, citation number 1, item number 1 and was affirmed as a final order on July 25, 2017, with respect to a workplace located at 1163 First Capital Drive, Saint Charles, Missouri 63301.

Martin Davila was previously cited for a violation of this occupational safety and health standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 996370, citation number 1, item number 4 and was affirmed as a final order on November 6, 2014, with respect to a workplace located at 632 Westwick Court, Swansea, Illinois 62226.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$21879.00



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

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

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed:

The employer is failing to protect employee(s) from fall hazards. The condition was most recently observed on or about May 17, 2019 at the jobsite located at 402 Fuller Drive, Wentzville, Missouri. The employer does not ensure employee(s) gaining access to the roof of a residential dwelling, using an aluminum extension ladder, was extended at least 3 feet (.9 m) above the upper landing surface.

Martin Davila was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 1245887, citation number 1, item number 2 and issued on July 12, 2017 as affirmed as a final order on July 25 2017, with respect to a workplace located at 1163 First Capitol Drive, Saint Charles, Missouri 63301.

Martin Davila was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 996370, citation number 1, item number 5 and issued on October 27, 2014 was affirmed as a final order on November 6, 2014, with respect to a workplace located at 632 Westwick Court, Swansea, Illinois 62226.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/10/2019
Proposed Penalty:	\$21879.00

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: 1403023
Inspection Date(s): 05/17/2019 - 05/17/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385

A handwritten signature in black ink, appearing to read "William D. McDonald", written over a horizontal line.

William D. McDonald, CSP
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
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



INVOICE / DEBT COLLECTION NOTICE

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 402 Fuller Drive, Wentzville, MO 63385
Issuance Date: 11/13/2019

Summary of Penalties for Inspection Number	1403023
Citation 1, Serious	\$17504.00
Citation 2, Repeat	\$74389.00
TOTAL PROPOSED PENALTIES	\$91893.00

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.

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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.



William D. McDonald, CSP

Area Director

11/13/2019

Date

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



1403023

Reply to the Attention of: Response Team Leader

November 13, 2019

HAND DELIVERED

To: MARTIN DAVILA, dba DAVILA CONSTRUCTION
9416 Muriel Avenue
Saint Louis, MO 63114

RE: Inspection No. 1403023; Inspection No. 1411617; Inspection No. 1420915

By signing this statement, I acknowledge receipt of the citations for the above inspection that was issued on November 13, 2019.

RECEIVED BY:

PRINTED NAME: Fayda A

FOR THE EMPLOYER

SIGNATURE: Fayda A

DATE: 11/13/2019

SERVED BY:

PRINTED NAME: Watasha S. Lusby

FOR THE OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

SIGNATURE: Watasha S. Lusby

DATE: 11/13/2019

U.S. Department of Labor

Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



Citation and Notification of Penalty

To:

MARTIN DAVILA, dba DAVILA CONSTRUCTION
9416 Muriel Avenue
Saint Louis, MO 63114

Inspection Number: 1411617**Inspection Date(s):** 06/27/2019 - 06/27/2019**Issuance Date:** 11/13/2019**Inspection Site:**

304-316, #12, Waterside Drive
Grover, MO 63040

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.

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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.

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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 11/13/2019. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1411617

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040
Issuance Date: 11/13/2019

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, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

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: 1411617
Inspection Date(s): 06/27/2019 - 06/27/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

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 1 a Type of Violation: **Serious**

29 CFR 1926.404(b)(1)(iii)(C): The employer did not ensure that each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, were visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indications of possible internal damage:

The employer is failing to protect its employees from electrical hazards. The condition was most recently observed on or about 6/27/2019 at 304-316, #12 Waterside Drive, Grover, MO 63040. The employer did not ensure that each cord set were visually inspected before each day's use for external defects, such as missing pins or insulation damage, or for indications of possible internal damage. The employees were exposed to an electrical hazard.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

Date By Which Violation Must be Abated:
Proposed Penalty:

12/10/2019
\$2557.00

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

Inspection Number: 1411617
Inspection Date(s): 06/27/2019 - 06/27/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

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

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

The employer is failing to protect its employees from electrical hazards. The condition was most recently observed on and before 6/27/2019, at 304-316, #12, Waterside Drive, Grover, MO 63040. The employer permitted their employees to use an orange extension cord to charge battery packs, with a missing ground prong. The employees were exposed to an electrical hazard.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

Date By Which Violation Must be Abated:

12/10/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

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

29 CFR 1926.20(b)(2): The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s):

The employer is failing to protect its employees from fall, struck-by and electrical hazards. The condition was most recently observed on or about 6/27/2019, at 304-316, #12, Waterside Drive, Grover, MO 63040. The employer did not initiate and maintain programs which provides for frequent and regular inspection of the jobsite by a competent person. The employees were exposed to fall, struck-by, and electrical hazards:

1. Employees were permitted to be on top of a 2-story apartment building installing new roofing material without any form of fall protection.
2. Employees were permitted to use a Werner Aluminum Extension Ladder, MODEL: D-1224-2, where the ladder side rails were not extended at 3 feet above the upper landing surface being accessed to.
3. Employees were permitted to use an orange flexible cord with broken insulation with potential internal damage and a missing ground prong.
4. Employees were permitted to operate pneumatic nail guns without any form of eye or face protection.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.20(b)(2), which was contained in OSHA inspection number 996370, citation number 1, item number 1, issued on 10/27/2014 and was affirmed as a final order on 11/6/2014, with respect to a workplace located at 632 Westwick Court, Swansea, IL 62226.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos which you believe will be helpful. The abatement

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

Inspection Number: 1411617
Inspection Date(s): 06/27/2019 - 06/27/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/10/2019
\$8752.00

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: 1411617
Inspection Date(s): 06/27/2019 - 06/27/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

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

29 CFR 1926.102(a)(1): Employees were not provided with eye and face protection equipment when machines or operations presented potential eye or face injury from physical, chemical, or radiation agents:

The employer is failing to protect its employees from struck by hazards. The condition was most recently observed on or about 6/27/2019 at 304-316, #12 Waterside Drive, Grover, MO 63040. The employer permitted employees to operate pneumatic nail guns without any form of eye or face protection. The employees were exposed to a struck-by hazard.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.102(a)(1), which was contained in OSHA inspection number 1245887, citation number1, item number 3, issued 7/12/2017, and was affirmed as a final order on 7/25/2017, with respect to a workplace located at 1163 1st Capitol Drive, Saint Charles, MO 63301.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.102(a)(1), which was contained in OSHA inspection number 996370, citation number1, item number 3, issued 10/27/2014, and was affirmed as a final order on 11/6/2014, with respect to a workplace located at 632 Westwick Court, Swansea, IL 62226.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/10/2019
\$8752.00



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

The employer is failing to protect its employees from fall hazards. The condition was most recently observed on or about 6/27/2019, at 304-316, #12, Waterside Drive, Grover, MO 63040. The employer permitted the employees to work on top of an 8:12 pitch roof, approximately 18 feet 1 inch eave to ground level, without a guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measures. The employees were exposed to a fall hazards.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(11), which was contained in OSHA inspection number 1245887, citation number 1, item number 1 and issued on 7/12/2017 and was affirmed as a final order on 7/25/2017, with respect to a workplace located at 1163 1st Capitol Drive, Saint Charles, MO 63301.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 996370, citation number 1, item number 4 and issued on 10/27/2014 and was affirmed as a final order on 11/6/2014, with respect to a workplace located at 632 Westwick Court, Swansea, IL 62226.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/10/2019
Proposed Penalty:	\$21879.00

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: 1411617
Inspection Date(s): 06/27/2019 - 06/27/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

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

Inspection Number: 1411617
Inspection Date(s): 06/27/2019 - 06/27/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

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

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed:

The employer is failing to protect its employees from fall hazards. The condition was most recently observed on or about 6/27/2019 at 304-316, #12, Waterside Drive, Grover, MO 63040. The employer permitted his employees to use a Werner Aluminum Extension Ladder, MODEL: D-1224-2, for access to an upper landing surface and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed, and the ladder's length allows such extension. The employees were exposed to a fall hazard.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 1245887, citation number 1, item number 1 and issued on 7/12/2017 as affirmed as a final order on 7/25/2017, with respect to a workplace located at 1163 1st Capitol Drive, Saint Charles, MO 63301.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 996370, citation number 1, item number 5 and issued on 10/27/2014 and was affirmed as a final order on 11/6/2014, with respect to a workplace located at 632 Westwick Court, Swansea, IL 62226.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurement and monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/10/2019
Proposed Penalty:	\$21879.00

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: 1411617

Inspection Date(s): 06/27/2019 - 06/27/2019

Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION

Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040

A handwritten signature in black ink, appearing to read "Fr [Signature] 7.", written over a horizontal line.

William McDonald
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
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



INVOICE / DEBT COLLECTION NOTICE

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 304-316, #12, Waterside Drive, Grover, MO 63040
Issuance Date: 11/13/2019

Summary of Penalties for Inspection Number	1411617
Citation 1, Serious	\$2557.00
Citation 2, Repeat	\$61262.00
TOTAL PROPOSED PENALTIES	\$63819.00

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.

FM 

William McDonald

Area Director

11/13/2019

Date

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



1403023

Reply to the Attention of: Response Team Leader

November 13, 2019

HAND DELIVERED

To: MARTIN DAVILA, dba DAVILA CONSTRUCTION
9416 Muriel Avenue
Saint Louis, MO 63114

RE: Inspection No. 1403023; Inspection No. 1411617; Inspection No. 1420915

By signing this statement, I acknowledge receipt of the citations for the above inspection that was issued on November 13, 2019.

RECEIVED BY:

PRINTED NAME: Fayda A

FOR THE EMPLOYER

SIGNATURE: Fayda A

DATE: 11/13/2019

SERVED BY:

PRINTED NAME: Watasha S. Lusby

FOR THE OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

SIGNATURE: Watasha S. Lusby

DATE: 11/13/2019

U.S. Department of Labor

Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



Citation and Notification of Penalty

To:
MARTIN DAVILA, dba DAVILA CONSTRUCTION
9416 Muriel Avenue
Saint Louis, MO 63114

Inspection Number: 1420915
Inspection Date(s): 08/05/2019 - 08/05/2019
Issuance Date: 11/13/2019

Reply to the Attention of: Response Team Leader

Inspection Site:
3840 Gravois Ave
Saint Louis, MO 63116

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 314-425-4249. 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 11/13/2019. The conference will be held by telephone or at the OSHA office located at 1222

Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1420915

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 3840 Gravois Ave, Saint Louis, MO 63116
Issuance Date: 11/13/2019

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, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103

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: 1420915
Inspection Date(s): 08/05/2019 - 08/05/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 3840 Gravois Ave, Saint Louis, MO 63116

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

29 CFR 1926.1053(b)(10): The top of a non-self-supporting ladder was not placed with the two rails supported equally and it was not equipped with a single support attachment:

The employer is failing to protect employees from ladder stability hazards. The condition was most recently observed on or about August 5, 2019 at the jobsite located at 3840 Gravois Ave in St. Louis, MO 63116, where the employer did not place a non-self-supporting ladder with the two rails supported equally and the ladder was not equipped with a single support attachment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/10/2019

Proposed Penalty:

\$3126.00

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

Inspection Number: 1420915
Inspection Date(s): 08/05/2019 - 08/05/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 3840 Gravois Ave, Saint Louis, MO 63116

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

29 CFR 1926.20(b)(2): The employer did not initiate and maintain a safety program which provides for frequent and regular inspections of jobsites, materials, and equipment to be made by competent persons designated by the employer:

The employer is failing to protect employees from roof and ladder fall hazards. The condition was most recently observed on or about August 5, 2019 at the jobsite located at 3840 Gravois Ave in St. Louis, MO 63116, where the employer did not initiate and maintain programs, which provides for frequent and regular inspections of the jobsite. The following hazards are noted:

1. Exposure to an approximate 21 foot fall from a residential roof due to not using fall protection while performing roofing activities.
2. Exposure to an approximate 21 foot fall due to not extending the portable ladder side rails at least 3 feet above the roof landing surface being accessed.
3. Exposure to an approximate 21 foot fall due to not placing a non-self-supporting ladder with the two rails supported equally and the ladder not being equipped with a single support attachment.

Martin Davila was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.20(b)(2), which was contained in OSHA inspection number 996370 citation number 1, item number 1 and was affirmed as a final order on July 25, 2017 with respect to a workplace located at 632 Westwick Court, Swansea, Illinois 62226.

Abatement certification is required for this item.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/10/2019

Proposed Penalty:

\$8752.00

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: 1420915

Inspection Date(s): 08/05/2019 - 08/05/2019

Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION

Inspection Site: 3840 Gravois Ave, Saint Louis, MO 63116

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

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

The employer is failing to protect employees from fall hazards. The most recent example of this was on or about August 5, 2019 at 3840 Gravois Ave in St. Louis, MO 63116, where employees were exposed to elevated fall hazards while performing residential roofing activities at heights of approximately 25 feet above a concrete sidewalk and driveway surface, and were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with alternative fall protection measures.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(11), which was contained in OSHA inspection number 1245887, citation number 1, item number 1 and issued on 7/12/2017 was affirmed as a final order on 7/25/2017, with respect to a workplace located at 1163 1st Capitol Drive, Saint Charles, MO 63301.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 996370, citation number 1, item number 4 and issued on 10/27/2014 was affirmed as a final order on 11/6/2014, with respect to a workplace located at 632 Westwick Court, Swansea, IL 62226.

Abatement certification is not required for this item. Corrected during Inspection.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$21879.00

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

Inspection Number: 1420915
Inspection Date(s): 08/05/2019 - 08/05/2019
Issuance Date: 11/13/2019



Citation and Notification of Penalty

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 3840 Gravois Ave, Saint Louis, MO 63116

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed:

The employer is failing to protect employees from fall hazards. The most recent example of this was on or about August 5, 2019 at 3840 Gravois Ave in St. Louis, MO 63116 where employees were exposed to elevated fall hazards while utilizing a 32-ft aluminum portable extension ladder to access the top of a residential roof at heights of approximately 25 feet above a concrete sidewalk and driveway surface, and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 1245887, citation number 1, item number 2 and issued on 7/12/2017 as affirmed as a final order on 7/25/2017, with respect to a workplace located at 1163 1st Capitol Drive, Saint Charles, MO 63301.

MARTIN DAVILA was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 996370, citation number 1, item number 5 and issued on 10/27/2014 was affirmed as a final order on 11/6/2014, with respect to a workplace located at 632 Westwick Court, Swansea, IL 62226.

Abatement certification is not required for this item. Corrected during Inspection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$15629.00

A handwritten signature in black ink, appearing to read "Fn [unclear]".

William D. McDonald, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



INVOICE / DEBT COLLECTION NOTICE

Company Name: MARTIN DAVILA, dba DAVILA CONSTRUCTION
Inspection Site: 3840 Gravois Ave, Saint Louis, MO 63116
Issuance Date: 11/13/2019

Summary of Penalties for Inspection Number	1420915
Citation 1, Serious	\$3126.00
Citation 2, Repeat	\$46260.00
TOTAL PROPOSED PENALTIES	\$49386.00

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.



William D. McDonald, CSP

Area Director

11/13/2019
Date

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103



1403023

Reply to the Attention of: Response Team Leader

November 13, 2019

HAND DELIVERED

To: MARTIN DAVILA, dba DAVILA CONSTRUCTION
9416 Muriel Avenue
Saint Louis, MO 63114

RE: Inspection No. 1403023; Inspection No. 1411617; Inspection No. 1420915

By signing this statement, I acknowledge receipt of the citations for the above inspection that was issued on November 13, 2019.

RECEIVED BY:

PRINTED NAME: Fayda A

FOR THE EMPLOYER

SIGNATURE: Fayda A

DATE: 11/13/2019

SERVED BY:

PRINTED NAME: Watasha S. Lusby

FOR THE OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

SIGNATURE: Watasha S. Lusby

DATE: 11/13/2019