

U.S. Department of Labor Occupational Safety and Health Administration
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131



08/30/2023

Driven Brands Shared Services LLC, dba Take 5 Car Wash
and its successors
Attn: Legal Department, 440 S. Church Street STE 700
Charlotte, NC 28202

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 (216) 447-4194.

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,



Howard B Eberts
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131



Citation and Notification of Penalty

To:
Driven Brands Shared Services LLC, dba Take 5 Car
Wash
and its successors
Attn: Legal Department, 440 S. Church Street STE 700
Charlotte, NC 28202

Inspection Number: 1654783
Inspection Date(s): 03/02/2023 - 07/12/2023
Issuance Date: 08/30/2023

Inspection Site:
27330 Chagrin Boulevard
Beachwood, OH 44122

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 (216) 447-4194. 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 08/30/2023. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1654783

Company Name: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122
Issuance Date: 08/30/2023

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, 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131.**

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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a) On or about March 2, 2023, and at times thereafter, the employer did not ensure that adequate control measures in lockout/tagout procedures were utilized by employees to control energy sources on the track/tunnel equipment while conducting servicing and maintenance tasks. Employees were exposed to caught-in and struck-by hazards associated with unexpected machine start-up or release of energy sources such as, but not limited to, electrical, and pneumatic when energy control procedures were not utilized prior to starting cleaning, repairs, and maintenance tasks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2023**
Proposed Penalty: **\$15,625.00**

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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to Items (A) to (D) of this section:

- (A) A specific statement of the intended use of the procedure;
- (B) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
- (C) Specific procedural steps for the placement, removal and transfer of lockout devices and the responsibility for them; and,
- (D) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices.

(a) On or about March 2, 2023, and times thereafter, the employer did not ensure that its "LOTO - Track/Tunnel Equipment" procedure clearly and specifically addressed the proper shut down, isolation, blocking and securing of the equipment. Employees were exposed to caught-in and struck-by hazards associated with the unexpected machine start-up or release of energy sources, such as, but not limited to, electrical and pneumatic, when energy control procedure did not clearly and specifically address the requirements of (A) through (D) prior to cleaning, repairs, and maintenance tasks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2023
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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

- (1) Preparation for shutdown. Before an authorized or affected employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.
- (2) Machine or equipment shutdown. The machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment. An orderly shutdown must be utilized to avoid any additional or increased hazard(s) to employees as a result of the equipment stoppage.
- (3) Machine or equipment isolation. All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s).
- (4)(i) Lockout or tagout device application. Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.
- (4)(ii) Lockout or tagout device application. Lockout devices, where used, shall be affixed in a manner to that will hold the energy isolating devices in a "safe" or "off" position.
- (5)(i) Stored energy. Following the application of lockout or tagout devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, and otherwise rendered safe.
- (6) Verification of isolation. Prior to starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and de-energization of the machine or equipment have been accomplished.

a) On or about March 2, 2023, and at times thereafter, the employer did not ensure that (d)(1) through (d)(6) were followed by employees performing servicing and maintenance tasks on track/tunnel equipment. Employees did not secure each energy source prior to starting work, including electrical at the disconnect and pneumatic at the valve. Employees were exposed to caught-in and struck-by hazards associated with unexpected equipment start-up.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2023**
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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct an annual or more frequent inspection of the energy control procedure to ensure that the procedure and requirements of this standard were followed:

(a) On or about March 2, 2023, and at times thereafter, the employer had not conducted annual periodic inspections of the energy control procedures for track/tunnel equipment. Employees were exposed to caught-in and struck-by hazards associated with unexpected machine start-up or release of electric and pneumatic energy sources during servicing and maintenance tasks due to the lack of periodic inspections to identify any deviations or inadequacies for correction.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2023
Proposed Penalty:	\$15,625.00

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: 1654783
Inspection Date(s): 03/02/2023 - 07/12/2023
Issuance Date: 08/30/2023



Citation and Notification of Penalty

Company Name: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolate;

(a) On or about March 2, 2023, and at times thereafter, the employer did not train personnel as authorized employees to lockout track/tunnel equipment. Employees were exposed to caught-in and struck-by hazards associated with unexpected machine startup or release of energy sources such as, but not limited to, electrical and pneumatic. Employees were not trained to understand how to control energy sources prior to cleaning, repairs, and maintenance tasks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2023
Proposed Penalty:	\$15,625.00

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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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 4 a Type of Violation: **Serious**

29 CFR 1910.303(b)(6): Deteriorating agents. Unless identified for use in the operating environment, no conductors or equipment shall be located in damp or wet locations; where exposed to gases, fumes, vapors, liquids, or other agents that have a deteriorating effect on the conductors or equipment; or where exposed to excessive temperatures.

On or about March 2, 2023 and at times thereafter, the employer did not ensure that electrical panelboards used in a damp or wet location were identified for use in the operating environment including those listed below:

- (a) I-T-E Panelboard in tunnel area - employees working in the area of the deteriorated panel were exposed to a shock hazard of 480-volts while pressure washing adjacent surfaces in the tunnel; and,
- (b) Federal Pacific in backroom - employees working in the area of the deteriorated panel were exposed to a shock hazard of 240-volts while turning on the pump.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2023
Proposed Penalty:	\$15,625.00

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: 1654783
Inspection Date(s): 03/02/2023 - 07/12/2023
Issuance Date: 08/30/2023



Citation and Notification of Penalty

Company Name: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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

29 CFR 1910.333(c)(9): Where live parts presented an electrical contact hazard, employees performed housekeeping duties at such close distances to the parts that there was a possibility of contact.

a) On or about March 2, 2023, and at times thereafter, employees were exposed to electrical hazards associated with pressure washing tunnel walls and floors adjacent to wall-mounted energized 480-volt panel and the 120-volt control box. Employees engaged in this housekeeping task were exposed to contact with live parts inside of the panels not rated for a high-pressure water jet.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 18, 2023
\$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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment.

On or about March 2, 2023, and at times thereafter, the employer did not ensure sufficient access and working space was provided and maintained about the energized electrical equipment including:

- a) Tunnel Control Station in the maintenance room - employees were exposed to hazards associated with obstructed access to the control station for operation of the switches. A 5-foot wooden ladder was located in the working space approximately 7 inches in front of a 120-volt tunnel control station that is used daily by employees.
- b) Hoffman Control Panel in the chemical room - employees were exposed to hazards associated with obstructed access to the control panel for operation of a toggle switch. A 55-gallon blue drum was located in the working space approximately 14 inches in front of a 120-volt control panel that is used daily by employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2023
Proposed Penalty:	\$13,394.00

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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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 6 a Type of Violation: **Serious**

29 CFR 1910.304(b)(3)(i): All 125-volt, single-phase, 15- and 20-ampere receptacles installed in bathrooms or on rooftops shall have ground-fault circuit-interrupter protection for personnel.

a) On or about March 2, 2023, and at times thereafter, the employer did not ensure that a receptacle installed in the bathroom had ground-fault circuit-interrupter (GFCI) protection which exposed employees to an electrical shock hazard when using the facility. A 120-volt appliance, AO Smith electric storage tank water heater was powered via flexible cord plugged into this outlet nearby a single faucet used for handwashing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

October 18, 2023
\$8,929.00



Citation and Notification of Penalty

Company Name: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(i): Flexible cords and cables were not approved for conditions of use and location:

a) On or about March 2, 2023, and at times thereafter, the employer did not ensure that a flexible cord was not used in a coiled form in wet or damp environment to continually power a 120-volt appliance, AO Smith electric storage tank water heater. Employees utilizing this bathroom were exposed to hazards associated with an unapproved use of the extension cord likely to result in overheating and damages to its internal parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2023
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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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 7 a Type of Violation: **Serious**

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertained to their respective job assignments:

a) On or about March 2, 2023, and at times thereafter, the employer did not train its personnel in safety-related work practices to ensure their personal protection during electrical tasks on energized parts necessary for operation of the car wash equipment. Employees were exposed to electrical hazards in energized 120-volt cabinets and conduits when working on and near live parts. Unqualified persons were reaching inside of the cabinets to work on the controls and operate switches and were handling parts with exposed 120-volt live wires.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2023**
Proposed Penalty: **\$15,625.00**

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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with electrical protective equipment that was appropriate for the specific parts of the body that needed to be protected and for the work being performed.

(a) On or about March 2, 2023, and at times thereafter, employees were exposed to electrical hazards in energized 120-volt cabinets and conduits when working on and near live parts. Employees were reaching inside of the cabinets to work on the controls, operate switches, and reposition wall-mounted conduit pieces with exposed wires. Employees were not provided at a minimum with the voltage-appropriate rubber insulating gloves (class 00) for their personal protection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	October 18, 2023
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: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122

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


29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in subparagraphs (A) through (D) of this standard:

On or about March 2, 2023, and at times thereafter including July 11, 2023, the employer failed to ensure that live parts inside of the 120-volt cabinets and boxes were guarded with approved cabinets or enclosures to prevent accidental contact. Employees were exposed daily to electrical hazards likely to result in electrocution when working near unguarded live parts of car wash equipment including those listed below:

- a) Tunnel Control Station in maintenance room - employees had their fingers and hands exposed to contact with live parts inside of this cabinet when required to operate relay switches;
- b) Hoffman controls cabinet in chemical room - employees had their fingers and hands exposed to contact with live parts inside of this cabinet when required to operate a toggle switch;
- c) Industrial controls cabinet in tunnel area - employees were exposed to contact with live parts inside of this cabinet when walking by and working in the area to operate doors and reposition adjacent conduits; and
- d) Electrical boxes throughout the facility - employees were exposed to contact with live wires inside of the 4x4 electrical junction/outlet boxes when walking by and working in the area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **October 18, 2023**
Proposed Penalty: **\$156,259.00**



Howard B Eberts
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
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131



INVOICE / DEBT COLLECTION NOTICE

Company Name: Driven Brands Shared Services LLC, dba Take 5 Car Wash
Inspection Site: 27330 Chagrin Boulevard, Beachwood, OH 44122
Issuance Date: 08/30/2023

Summary of Penalties for Inspection Number: 1654783

Citation 1 Item 1a, Serious	\$15,625.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 1c, Serious	\$0.00
Citation 1 Item 2, Serious	\$15,625.00
Citation 1 Item 3, Serious	\$15,625.00
Citation 1 Item 4a, Serious	\$15,625.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5, Serious	\$13,394.00
Citation 1 Item 6a, Serious	\$8,929.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 7a, Serious	\$15,625.00
Citation 1 Item 7b, Serious	\$0.00
Citation 2 Item 1, Willful - Serious	\$156,259.00

TOTAL PROPOSED PENALTIES: \$256,707.00

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.



Howard B Eberts

Area Director

August 30, 2023

Date