

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (708) 342-2840.**

U.S. Department of Labor

Occupational Safety and Health Administration
8505 W. 183rd Street, Suite C
Tinley Park, IL 60487
Phone: (708) 342-2840
Fax: (708) 444-0042



December 5, 2023

Dear Ricardo Gallardo,

On 06/15/2023, an OSHA compliance officer met with you or your representative as part of an inspection at 207 Sawgrass Drive, Palos Heights, IL 60463. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**.

Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

for 
James Martineck, Area Director

Your Citation Summary

Ricardo Gallardo dba R & R Construction
Services, Inc.
Inspection Number: 1677451

Total Amount Due: \$121,172.00

**Payment Due Date: 15 working days
after receipt of
this letter**

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

Total Number of Violations : 2

**Your First Correction Deadline is:
December 11, 2023**

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

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

Option #1 – Discuss with OSHA

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

Option #2 – Correct and Pay

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

Option #3 – Contest the Citation

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

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (708) 342-2840.

Step 2 – Complete One Option Checklist

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

Option #1 – Discuss with OSHA

I will complete by:

1. Call: James Martineck, Area Director, at (708) 342-2840 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****
2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.

___ / ___

___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:

1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**
2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

___ / ___

___ / ___

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

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

Option #3 – Contest the Citation

I will complete by:

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

___ / ___

U.S. Department of Labor

Occupational Safety and Health Administration
8505 W. 183rd Street, Suite C
Tinley Park, IL 60487



Citation and Notification of Penalty

To:
Ricardo Gallardo dba R & R Construction Services,
Inc.
and its successors
1736 N Rose St. Apt #2c
Palatine, IL 60074

Inspection Site:
207 Sawgrass Drive
Palos Heights, IL 60463

Inspection Number: 1677451
Inspection Date(s): 06/15/2023 - 08/04/2023
Issuance Date: 12/05/2023

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 (708) 342-2840. 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](http://www.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 12/05/2023. The conference will be held by telephone or at the OSHA office located at 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1677451

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 207 Sawgrass Drive, Palos Heights, IL 60463
Issuance Date: 12/05/2023

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, 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487.**

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: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 207 Sawgrass Drive, Palos Heights, IL 60463

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

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 does not protect each employee from fall hazards while engaged in roofing work on a sloped roof with the ground to eave heights of up to approximately 22 feet by the use of guardrail system, safety net system, or personal fall arrest system.

a) This most recently occurred on June 15, 2023, at 207 Sawgrass Dr., Palos Heights, IL, 60463. Employees engaged in roofing activity are not protected from fall hazards while working at an elevation of up to approximately 22 feet above the ground.

R & R Construction Services, Inc. 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 1546321, citation number 2, item number 1 and was affirmed as a final order on January 3, 2022, with respect to a workplace located at 7130-7134 168th Street, Tinley Park, IL 60477. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

R & R Construction Services, Inc. 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 1505096, citation number 2, item number 1 and was affirmed as a final order on June 22, 2021, with respect to a workplace located at 4645 Dempster St., Skokie, IL 60076. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

R & R Construction Services, Inc. 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 1447440, citation number 2, item number 1 and was affirmed as a final order on March 25, 2020, with respect to a workplace located at 18335 S. LaGrange Road, Tinley Park, IL 60487. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

R & R Construction Services, Inc. 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 1398180, citation number 1,

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: 1677451
Inspection Date(s): 06/15/2023 - 08/04/2023
Issuance Date: 12/05/2023



Citation and Notification of Penalty

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 207 Sawgrass Drive, Palos Heights, IL 60463

item number 1 and was affirmed as a final order on July 15, 2019, with respect to a workplace located at 1971 Berkshire Pl., Wheaton, IL 60189. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

To abate this hazard in the future, the employer must ensure that its employees are protected from hazard of falling while performing roofing work.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	December 11, 2023
Proposed Penalty:	\$120,313.00

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: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 207 Sawgrass Drive, Palos Heights, IL 60463

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

29 CFR 1926.503(b)(1): The employer did not verify compliance with paragraph (a) of this section by preparing a written (training) certification record including the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer.

The employer does not maintain records or certification of fall protection training for employees exposed to fall hazards.

a) This most recently occurred on June 15, 2023, at 207 Sawgrass Drive, Palos Heights, IL 60463. The employer does not maintain records or certification of fall protection training for employees exposed to fall hazards while engaged in roofing work.

R & R Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1926.503(b)(1), which was contained in OSHA inspection number 1546321, citation number 3, item number 1 and was affirmed as a final order on January 3, 2022, with respect to a workplace located at 7130-7134 168th Street, Tinley Park, IL 60477. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

R & R Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1926.503(b)(1), which was contained in OSHA inspection number 1447440, citation number 3, item number 1, and was affirmed as a final order on March 25, 2020, with respect to a workplace located at 18335 S. Lagrange Road, Tinley Park, IL 60487. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

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: 1677451
Inspection Date(s): 06/15/2023 - 08/04/2023
Issuance Date: 12/05/2023



Citation and Notification of Penalty

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 207 Sawgrass Drive, Palos Heights, IL 60463

To abate this hazard in the future, the employer must ensure to maintain records or certification of fall protection training that was provided to employees.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 24, 2024
Proposed Penalty:	\$859.00

A handwritten signature in black ink, appearing to read "James Martineck". The signature is written over a horizontal line.

James Martineck
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
8505 W. 183rd Street, Suite C
Tinley Park, IL 60487



INVOICE / DEBT COLLECTION NOTICE

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 207 Sawgrass Drive, Palos Heights, IL 60463
Issuance Date: 12/05/2023

Summary of Penalties for Inspection Number: 1677451

Citation 1 Item 1, Repeat - Serious	\$120,313.00
Citation 2 Item 1, Repeat - Other	\$859.00

TOTAL PROPOSED PENALTIES: **\$121,172.00**

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](http://www.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.

for 

James Martineck

Area Director

12/5/2023

Date

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busque un traductor o llame al (708) 342-2840.**

U.S. Department of Labor

Occupational Safety and Health Administration
8505 W. 183rd Street, Suite C
Tinley Park, IL 60487
Phone: (708) 342-2840
Fax: (708) 444-0042



December 5, 2023

Dear Ricardo Gallardo,

On 07/18/2023, an OSHA compliance officer met with you or your representative as part of an inspection at 617 Winterberry Ct., Joliet, IL 60431. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**.

Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


James Martineck, Area Director

Your Citation Summary

Ricardo Gallardo dba R & R Construction
Services, Inc.
Inspection Number: 1683814

Total Amount Due: \$154,697.00

**Payment Due Date: 15 working days
after receipt of
this letter**

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

Total Number of Violations : 3

**Your First Correction Deadline is:
December 11, 2023**

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

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

Option #1 – Discuss with OSHA

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

Option #2 – Correct and Pay

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

Option #3 – Contest the Citation

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

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (708) 342-2840.

Step 2 – Complete One Option Checklist

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

Option #1 – Discuss with OSHA

I will complete by:

1. Call: James Martineck, Area Director, at (708) 342-2840 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****
2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.

___ / ___

___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:

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

___ / ___

___ / ___

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Option #3 – Contest the Citation

I will complete by:

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

___ / ___

U.S. Department of Labor

Occupational Safety and Health Administration
8505 W. 183rd Street, Suite C
Tinley Park, IL 60487



Citation and Notification of Penalty

To:
Ricardo Gallardo dba R & R Construction Services,
Inc.
and its successors
1736 N Rose St. Apt #2c
Palatine, IL 60074

Inspection Site:
617 Winterberry Ct.
Joliet, IL 60431

Inspection Number: 1683814
Inspection Date(s): 07/18/2023 - 10/05/2023
Issuance Date: 12/05/2023

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 (708) 342-2840. 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).

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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 12/05/2023. The conference will be held by telephone or at the OSHA office located at 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1683814

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 617 Winterberry Ct., Joliet, IL 60431
Issuance Date: 12/05/2023

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, 8505 W. 183rd Street, Suite C, Tinley Park, IL 60487.**

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: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 617 Winterberry Ct., Joliet, IL 60431

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

29 CFR 1926.102(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

The employer does not protect each employee engaged in roofing work by requiring the employee to wear eye and face protection while operating pneumatic roofing nail guns.

a. This most recently occurred on July 18, 2023, at 617 Winterberry Ct. Joliet, IL 60431. Employees are exposed to eye injury while operating pneumatic roofing nail guns without eye protection during roofing work.

R & R Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1926.102(a)(1), which was contained in OSHA inspection number 1546321, citation number 1, item number 1 and was affirmed as a final order on January 3, 2022, with respect to a workplace located at 7130-7134 168th Street, Tinley Park, IL. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

To abate this hazard in the future, the employer must ensure that each employee is provided with eye and face protection during roofing work when machines, tools or operations present potential eye or face injury.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect each employee from eye and face injury while operating a pneumatic roofing nail gun during roofing work.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

December 11, 2023

Proposed Penalty:

\$17,189.00

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: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 617 Winterberry Ct., Joliet, IL 60431

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

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

The employer does not provide fall protection training to its employees exposed to fall hazards.

a. This most recently occurred on July 18, 2023, at 617 Winterberry Ct. Joliet, IL 60431. The employer does not provide fall protection training to each employee engaged in roofing activity at an elevation of up to approximately 19 feet above the ground, in order to recognize hazards associated with working at heights and to understand procedures to control or minimize those hazards.

R & R Construction Services, Inc. was previously cited for a violation of this occupational safety and health standard 29 CFR 1926.503(a)(1), which was contained in OSHA inspection number 1398180, citation number 1, item number 2 and was affirmed as a final order on July 15, 2019, with respect to a workplace located at 1971 Berkshire Pl, Wheaton, IL 60189. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

To abate this hazard in the future, the employer must ensure to provide fall protection training to employees that perform work at heights.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

January 24, 2024

Proposed Penalty:

\$17,189.00



Citation and Notification of Penalty

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 617 Winterberry Ct., Joliet, IL 60431

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

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 does not protect each employee from fall hazards while engaged in roofing work on a sloped roof with the ground to eave heights of up to approximately 19 feet by the use of guardrail system, safety net system, or personal fall arrest system.

a. This most recently occurred on July 18, 2023, at 617 Winterberry Ct. Joliet, IL 60431. Employees engaged in roofing activity are not protected from fall hazards while working at an elevation of up to approximately 19 feet above the ground.

R & R Construction Services, Inc. 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 1546321, citation number 2, item number 1 and was affirmed as a final order on January 3, 2022, with respect to a workplace located at 7130-7134 168th Street, Tinley Park, IL 60477. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

R & R Construction Services, Inc. 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 1505096, citation number 2, item number 1 and was affirmed as a final order on June 22, 2021, with respect to a workplace located at 4645 Dempster St., Skokie, IL 60076. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

R & R Construction Services, Inc. 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 1447440, citation number 2, item number 1 and was affirmed as a final order on March 25, 2020, with respect to a workplace located at 18335 S. LaGrange Road, Tinley Park, IL 60487. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

R & R Construction Services, Inc. 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 1398180, citation number 1,

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: 1683814
Inspection Date(s): 07/18/2023 - 10/05/2023
Issuance Date: 12/05/2023



Citation and Notification of Penalty

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 617 Winterberry Ct., Joliet, IL 60431

item number 1 and was affirmed as a final order on July 15, 2019, with respect to a workplace located at 1971 Berkshire Pl., Wheaton, IL 60189. Ricardo Gallardo dba R & R Construction Services Inc., is a successor of R & R Construction Services, Inc.

To abate this hazard in the future, the employer must ensure that its employees are protected from hazard of falling while performing roofing work.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

December 11, 2023
\$120,319.00

for 
James Martineck
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
8505 W. 183rd Street, Suite C
Tinley Park, IL 60487



INVOICE / DEBT COLLECTION NOTICE

Company Name: Ricardo Gallardo dba R & R Construction Services, Inc.
Inspection Site: 617 Winterberry Ct., Joliet, IL 60431
Issuance Date: 12/05/2023

Summary of Penalties for Inspection Number: 1683814

Citation 1 Item 1, Repeat - Serious	\$17,189.00
Citation 1 Item 2, Repeat - Serious	\$17,189.00
Citation 2 Item 1, Willful - Serious	\$120,319.00

TOTAL PROPOSED PENALTIES: **\$154,697.00**

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](http://www.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.

for 

James Martineck

Area Director

12/5/2023

Date