

**U.S. Department of Labor** Occupational Safety and Health Administration  
17625 El Camino Real  
Suite 400  
Houston, TX 77058



03/15/2024

Hurtado Construction Company  
and its successors  
5629 FM 359 S.  
Brookshire, TX 77423

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. The OSHA publication "Employer Rights and Responsibilities Following an OSHA Inspection", is available by scanning the QR code below with your smartphone or barcode scanner.

**English – OSHA 3000 Rev 2018**



[OSHA 3000](#)

**Spanish – OSHA 3195 Rev 2019**



[OSHA 3195](#)

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 (281) 286-0583.

You will note 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.

You may also 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 total time of this contest period is not interrupted by having 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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,



**Larissa Ipsen, M.S.**  
Area Director

Enclosures

## NOTICE TO EMPLOYEES

The law gives you and your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest of the abatement dates of the citations referred to in paragraph 1 of this Settlement Agreement must be mailed to the address below within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of the original citations:

**U.S. Department of Labor**  
**Occupational Safety and Health Administration**  
17625 El Camino Real, Suite 400  
Houston, TX 77058  
(281) 286-0583 (281) 286-6352

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
17625 El Camino Real  
Suite 400  
Houston, TX 77058



## Citation and Notification of Penalty

**To:**  
Hurtado Construction Company  
and its successors  
5629 FM 359 S  
Brookshire, TX 77423

**Inspection Number:** 1697890  
**Inspection Date(s):** 09/16/2023 - 09/16/2023  
**Issuance Date:** 03/15/2024

**Inspection Site:**  
Near 764 Love Road  
Fulshear, TX 77406

*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. 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.

**Employer Rights and Responsibilities** – The OSHA publication “Employer Rights and Responsibilities Following an OSHA Inspection”, is available by scanning the QR code below with your smartphone or barcode scanner. You may also access the document by clicking on the link or typing it into your browser to take you directly to OSHA's webpage.

## English – OSHA 3000 Rev 2018



[OSHA 3000](#)

## Spanish – OSHA 3195 Rev 2019



[OSHA 3195](#)

**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 (281) 286-0583. 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. The QR codes on the previous page link to the OSHA publication “Employer Rights and Responsibilities Following an OSHA Inspection”. Additional information concerning the Debt Collection Act of 1982 can be found in the Debt Collection Notice (the last two pages of this document). Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

You may also make your payment electronically. Scan the QR code below with your smartphone or barcode scanner to be directed to the pay.gov website. You may also go to the pay.gov website by clicking on the link.



### [Pay.gov - OSHA Payments](#)

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. For an electronic copy of the sample abatement certification letter, or to submit abatement electronically, scan the QR code below with your smartphone or barcode scanner to be taken to the OSHA abatement website.



### [Certification of Abatement](#)

**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.

**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.

**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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/15/2024. The conference will be held by telephone or at the OSHA office located at 17625

El Camino Real, Suite 400, Houston, TX 77058 on \_\_\_\_\_ at

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



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**



**Certification of Abatement**

**Inspection Number: 1697890**

Company Name: Hurtado Construction Company  
Inspection Site: Near 764 Love Road, Fulshear, TX 77406  
Issuance Date: 03/15/2024

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, 17625 El Camino Real, Suite 400, Houston, TX 77058.**

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:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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

29 CFR 1926.50(c): In the absence of an infirmary, clinic, hospital, or physician, that was reasonably accessible in terms of time and distance to the worksite, which was available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence, was not available at the worksite to render first aid:

a) On or about September 15, 2023, and at times prior thereto, the employer did not have a person who was trained to render first aid at the worksite, exposing employees to a delay in medical treatment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 01, 2024  
\$15,970.00

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:** 1697890  
**Inspection Date(s):** 09/16/2023 - 09/16/2023  
**Issuance Date:** 03/15/2024



**Citation and Notification of Penalty**

**Company Name:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not located in trench excavations that were 4 feet (1.22m) or more in depth so as to require no more than 25 feet (7.62m) of lateral travel for employees:

a) On or about September 15, 2023, employees did not have a safe means of egress from a trench with a depth greater than 4 feet, exposing the employees to cave-in and fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 01, 2024  
\$15,970.00

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:** 1697890  
**Inspection Date(s):** 09/16/2023 - 09/16/2023  
**Issuance Date:** 03/15/2024



**Citation and Notification of Penalty**

**Company Name:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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

29 CFR 1926.651(h)(1): Employees were working in excavations in which there was accumulated water, or excavations in which water was accumulating, and adequate precautions had not been taken to protect employees against the hazards posed by water accumulation:

a) On or about September 15, 2023, at the worksite, employees were exposed to cave-in hazards while working in an excavation in which water was accumulating, saturating the soil.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 10, 2024  
\$15,970.00

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:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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

29 CFR 1926.652(c)(2)(iii): Manufacturer's specifications, recommendations, and limitations, and manufacturer's approval to deviate from the specifications, recommendations, and limitations were not in written form at the jobsite during construction of the protective system. A copy was not provided to the Secretary upon request:

a) On or about September 15, 2023, at the worksite, employees were exposed to cave-in hazards while working in an excavation more than 5-feet deep when Reinforced Concrete Boxes (RCBs) were used as a shielding system without the manufacturer's specifications, recommendations, and limitations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 10, 2024  
\$15,970.00

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:** 1697890  
**Inspection Date(s):** 09/16/2023 - 09/16/2023  
**Issuance Date:** 03/15/2024



**Citation and Notification of Penalty**

**Company Name:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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

29 CFR 1926.652(g)(1)(ii): Shields were not installed in a manner to restrict lateral or other hazardous movement of the shield in the event of the application of sudden lateral loads:

a) On or about September 15, 2023, at the worksite, the shields in an excavation more than 5-feet deep were not installed flush with the walls of the excavation, permitting lateral or other hazardous movement of the shield in the event of the application of sudden lateral loads and exposing employees to cave-in hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 10, 2024  
\$15,970.00

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:** 1697890  
**Inspection Date(s):** 09/16/2023 - 09/16/2023  
**Issuance Date:** 03/15/2024



**Citation and Notification of Penalty**

**Company Name:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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

29 CFR 1926.652(g)(1)(iii): Employees were not protected from the hazard of cave-ins when entering or exiting the area protected by shields:

a) On or about September 15, 2023, at the worksite, employees were not protected from cave-in hazards when entering and exiting the area protected by shields inside an excavation more than 5-feet deep.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 01, 2024  
\$15,970.00

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:** 1697890  
**Inspection Date(s):** 09/16/2023 - 09/16/2023  
**Issuance Date:** 03/15/2024



**Citation and Notification of Penalty**

**Company Name:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652 (b) or (c):

a) On or about September 15, 2023, at the worksite, employees were exposed to cave-in hazards while working in an excavation, greater than 5-feet in depth, with benched and sloped sides greater than 45 degrees.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

April 10, 2024  
\$159,710.00

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:** 1697890  
**Inspection Date(s):** 09/16/2023 - 09/16/2023  
**Issuance Date:** 03/15/2024



**Citation and Notification of Penalty**

**Company Name:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406

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Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): The employer failed to provide copies of the injury and illness records to an authorized representative within four hours of the request:

a) On or about September 16, 2023, the employer did not provide OSHA 300 Injury and Illness logs to OSHA within 4 hours.

Date By Which Violation Must be Abated:  
Proposed Penalty:

May 01, 2024  
\$2,281.00

*Larissa Ipsen*

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**Larissa Ipsen, M.S.**  
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  
17625 El Camino Real  
Suite 400  
Houston, TX 77058



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Hurtado Construction Company  
**Inspection Site:** Near 764 Love Road, Fulshear, TX 77406  
**Issuance Date:** 03/15/2024

**Summary of Penalties for Inspection Number:** 1697890

Citation 1 Item 1, Serious	\$15,970.00
Citation 1 Item 2, Serious	\$15,970.00
Citation 1 Item 3, Serious	\$15,970.00
Citation 1 Item 4, Serious	\$15,970.00
Citation 1 Item 5, Serious	\$15,970.00
Citation 1 Item 6, Serious	\$15,970.00
Citation 2 Item 1, Willful - Serious	\$159,710.00
Citation 3 Item 1, Other-than-Serious	\$2,281.00

**TOTAL PROPOSED PENALTIES:** **\$257,811.00**

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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 may also make your payment electronically. Scan the QR code below with your smartphone or barcode scanner to be directed to the pay.gov website. You may also go to the pay.gov website by clicking on the link.



[Pay.gov - OSHA Payments](https://pay.gov)

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.

*Larissa Ipsen*

03/15/2024

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**Larissa Ipsen, M.S.**

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Date

Area Director