

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



04/16/2024

13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

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 (314) 425-4249.

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,

Kevin Ludvik

for

William McDonald, CSP
Area Director

Enclosures

U.S. Department of Labor

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



Citation and Notification of Penalty

To:
13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

Inspection Number: 1707729
Inspection Date(s): 11/02/2023 - 11/02/2023
Issuance Date: 04/16/2024

Inspection Site:
318 Regents Park Avenue
Wentzville, MO 63385

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (314) 425-4249. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically 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 04/16/2024. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1707729

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 318 Regents Park Avenue, Wentzville, MO 63385
Issuance Date: 04/16/2024

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

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 318 Regents Park Avenue, Wentzville, MO 63385

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

29 CFR 1926.20(b)(2): Such programs did not provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

13 Construction & Pro Services LLC:

The employer is failing to ensure a competent person conducts an adequate inspection of the job site, materials, and equipment. The condition was most recently observed on or about November 2, 2023, when four employees were observed working at a residential construction jobsite at 318 Regents Park Avenue in Wentzville, Missouri. Employees were exposed to fall hazards while removing and replacing roofing materials. During the inspection, a competent person had not adequately inspected the worksite thus, employees were exposed to the following hazardous conditions:

- a) Five employees were observed working on a roof without utilizing fall protection. The employer did not utilize guardrail systems, a safety net system, or a personal fall arrest system.
- b) The employer did not ensure that employees were using eye protection while replacing roofing materials.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	June 03, 2024
Proposed Penalty:	\$5,323.00

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: 13 Construction & Pro Services LLC
Inspection Site: 318 Regents Park Avenue, Wentzville, MO 63385

Citation 1 Item 2 Type of Violation: **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.

13 Construction & Pro Services LLC:

The employer is failing to protect employees from eye hazards from flying particles. The condition was most recently observed on or about November 2, 2023, when five employees were observed working on a two-story single-family home at 318 Regents Park Avenue in Wentzville, Missouri. The employer did not ensure two employees utilizing pneumatic nail guns were provided and used appropriate eye protection while exposed within 18-24 inches to struck-by hazards.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3,803.00

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

Inspection Number: 1707729
Inspection Date(s): 11/02/2023 - 11/02/2023
Issuance Date: 04/16/2024



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 318 Regents Park Avenue, Wentzville, MO 63385

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee who might be exposed to fall hazards.

13 Construction & Pro Services LLC:

The employer is failing to provide a training program for each employee who might be exposed to fall hazards which enables the employees to recognize the hazards of falling and trains each employee in the procedures to be followed in order to minimize these hazards. This condition was most recently observed on or about November 2, 2023, when, during roofing work at 318 Regents Park Avenue in Wentzville, Missouri, the employer did not ensure that appropriate fall protection training was provided for five employees who were exposed to fall hazards while removing and replacing roofing materials.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 03, 2024
\$5,323.00

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: 13 Construction & Pro Services LLC
Inspection Site: 318 Regents Park Avenue, Wentzville, MO 63385

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

29 CFR 1926.501(b)(13): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels was not protected by guardrail systems, safety net systems, personal fall arrest systems, or an alternative fall protection measure under another provision of paragraph 1926.501(b), nor did the employer demonstrate that it is infeasible or creates a greater hazard to use these systems and develop and implement a fall protection plan which meets the requirements of paragraph (k) of section 1926.502.

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about November 2, 2023, when five employees were observed working on a two-story single-family residential building at 318 Regents Park Avenue in Wentzville, Missouri, 63385. The employer did not utilize guardrail systems, a safety net system, or a personal fall arrest system. The employees were observed on the roof of the building at heights greater than or equal to ten feet without fall protection, and thus exposed to falls to the ground below.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$35,491.00

Kevin Ludvik
for

William McDonald, CSP

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Area Director

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



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 318 Regents Park Avenue, Wentzville, MO 63385
Issuance Date: 04/16/2024

Summary of Penalties for Inspection Number: 1707729

Citation 1 Item 1, Serious	\$5,323.00
Citation 1 Item 2, Serious	\$3,803.00
Citation 1 Item 3, Serious	\$5,323.00
Citation 2 Item 1, Willful - Serious	\$35,491.00

TOTAL PROPOSED PENALTIES: **\$49,940.00**

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.

Kevin Ludvik
for

4/16/2024

William McDonald, CSP
Area Director

Date

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



04/16/2024

13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

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 (314) 425-4249.

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.

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Sincerely,

Kevin Ludvik

for

William McDonald, CSP
Area Director

Enclosures

U.S. Department of Labor

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



Citation and Notification of Penalty

To:
13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

Inspection Number: 1706998
Inspection Date(s): 10/31/2023 - 10/31/2023
Issuance Date: 04/16/2024

Inspection Site:
31 Tulip Bend
Wentzville, MO 63385

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (314) 425-4249. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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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:

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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.

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/16/2024. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1706998

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 31 Tulip Bend, Wentzville, MO 63385
Issuance Date: 04/16/2024

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

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 31 Tulip Bend, Wentzville, MO 63385

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

29 CFR 1926.20(b)(2): Such programs did not provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

13 Construction & Pro Services LLC:

The employer is failing to ensure a competent person conducts an adequate inspection of the job site, materials, and equipment. The condition was most recently observed on or about October 31, 2023, when five employees were observed working at 31 Tulip Bend in Wentzville, Missouri. During the inspection, a competent person had not adequately inspected the worksite thus, employees were exposed to the following hazardous conditions:

- a) The employer did not ensure the employees exposed to fall hazards were utilizing guardrail systems, a safety net system, or a personal fall arrest system.
- b) The employer did not ensure that where portable ladders were used for access to an upper landing surface, and where the ladders length allowed, that the ladders side rails were extended at least 3 feet (.9m) above the upper landing surface being accessed.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 03, 2024
\$5,323.00

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: 13 Construction & Pro Services LLC
Inspection Site: 31 Tulip Bend, Wentzville, MO 63385

Citation 1 Item 2 Type of Violation: **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.

13 Construction & Pro Services LLC:

The employer is failing to provide a training program for each employee who might be exposed to fall hazards which enables the employees to recognize the hazards of falling and trains each employee in the procedures to be followed in order to minimize these hazards. This condition was most recently observed on or about October 31, 2023, when, during roofing work at 31 Tulip Bend in Wentzville, Missouri, the employer did not ensure that appropriate fall protection training was provided for five employees who were exposed to fall hazards while removing and replacing roofing materials.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 03, 2024
\$5,323.00



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 31 Tulip Bend, Wentzville, MO 63385

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

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

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about October 31, 2023, when four employees were observed working on a roof at 31 Tulip Bend in Wentzville, Missouri. The employer did not ensure that where portable ladders were used for access to an upper landing surface, and where the ladders length allowed, that the ladders side rails were extended at least 3 feet (.9m) above the upper landing surface being accessed. The ladder the employees used to access the roof was extended approximately two and a half feet beyond the upper landing, or edge of the roof, thus exposing employees to fall hazards.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5,323.00



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 31 Tulip Bend, Wentzville, MO 63385

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

29 CFR 1926.501(b)(13): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels was not protected by guardrail systems, safety net systems, personal fall arrest systems, or an alternative fall protection measure under another provision of paragraph 1926.501(b), nor did the employer demonstrate that it is infeasible or creates a greater hazard to use these systems and develop and implement a fall protection plan which meets the requirements of paragraph (k) of section 1926.502.

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about October 31, 2023, when four employees were observed working on a roof at 31 Tulip Bend in Wentzville, Missouri, 63385. The employer did not utilize guardrail systems, a safety net system, or a personal fall arrest system. The employees were observed on the roof of the building at heights greater than eight feet without fall protection, and thus exposed to falls to the ground below.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$35,491.00

Kevin Ludvik
for

William McDonald, CSP
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 31 Tulip Bend, Wentzville, MO 63385
Issuance Date: 04/16/2024

Summary of Penalties for Inspection Number: 1706998

Citation 1 Item 1, Serious	\$5,323.00
Citation 1 Item 2, Serious	\$5,323.00
Citation 1 Item 3, Serious	\$5,323.00
Citation 2 Item 1, Willful - Serious	\$35,491.00

TOTAL PROPOSED PENALTIES: **\$51,460.00**

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.

Kevin Ludvik
for

4/16/2024

William McDonald, CSP
Area Director

Date

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



04/16/2024

13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

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 (314) 425-4249.

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,

Kevin Ludvik

for

William McDonald, CSP
Area Director

Enclosures

U.S. Department of Labor

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



Citation and Notification of Penalty

To:
13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

Inspection Number: 1707730
Inspection Date(s): 11/02/2023 - 11/02/2023
Issuance Date: 04/16/2024

Inspection Site:
119 Pomodora Circle
Wentzville, MO 63385

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (314) 425-4249. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically 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 04/16/2024. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1707730

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 119 Pomodora Circle, Wentzville, MO 63385
Issuance Date: 04/16/2024

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

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 119 Pomodora Circle, Wentzville, MO 63385

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

29 CFR 1926.20(b)(2): Such programs did not provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

13 Construction & Pro Services LLC:

The employer is failing to ensure a competent person conducts an adequate inspection of the job site, materials, and equipment. The condition was most recently observed on or about November 2, 2023, when five employees were observed working at 119 Pomodora Circle in Wentzville, Missouri. During the inspection, employees were exposed to the following hazardous conditions:

- a) The employer did not ensure one employee was using a protective helmet in areas where there is a possible danger of head injury from impact, or from falling or flying objects.
- b) The employer did not ensure five employees exposed to fall hazards were utilizing guardrail systems, a safety net system, or a personal fall arrest system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	June 03, 2024
Proposed Penalty:	\$5,323.00

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: 1707730
Inspection Date(s): 11/02/2023 - 11/02/2023
Issuance Date: 04/16/2024



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 119 Pomodora Circle, Wentzville, MO 63385

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

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, were not protected by protective helmets.

13 Construction & Pro Services LLC:

The employer is failing to protect employees from possible danger of head injury. The condition was most recently observed on or about November 2, 2023, when an employee was observed working at 119 Pomodora Circle in Wentzville, Missouri. During the inspection, an employee was exposed to danger of head injury from impact or from falling objects.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 03, 2024
\$3,803.00

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: 13 Construction & Pro Services LLC
Inspection Site: 119 Pomodora Circle, Wentzville, MO 63385

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee who was exposed to fall hazards.

13 Construction & Pro Services LLC:

The employer is failing to provide a training program for each employee who might be exposed to fall hazards which enables the employees to recognize the hazards of falling and trains each employee in the procedures to be followed in order to minimize these hazards. This condition was most recently observed on or about November 2, 2023, when, during roofing work at 119 Pomodora Circle in Wentzville, Missouri, the employer did not ensure that appropriate fall protection training was provided for five employees who were exposed to fall hazards while removing and replacing roofing materials.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	June 03, 2024
Proposed Penalty:	\$5,323.00

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: 1707730
Inspection Date(s): 11/02/2023 - 11/02/2023
Issuance Date: 04/16/2024



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 119 Pomodora Circle, Wentzville, MO 63385

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

29 CFR 1926.501(b)(13): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels was not protected by guardrail systems, safety net system, or personal fall arrest system.

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about November 2, 2023, when five employees were observed roofing a residential building at 119 Pomodora Circle in Wentzville, Missouri. The employer did not utilize guardrail systems, a safety net system, or a personal fall arrest system. The employees were observed working on the roof of the building, at heights of approximately 8 feet and greater above the ground, without fall protection and thus were exposed to fall hazards.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$35,491.00

Kevin Ludvik
for

William McDonald, CSP
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 119 Pomodora Circle, Wentzville, MO 63385
Issuance Date: 04/16/2024

Summary of Penalties for Inspection Number: 1707730

Citation 1 Item 1, Serious	\$5,323.00
Citation 1 Item 2, Serious	\$3,803.00
Citation 1 Item 3, Serious	\$5,323.00
Citation 2 Item 1, Willful - Serious	\$35,491.00

TOTAL PROPOSED PENALTIES: **\$49,940.00**

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.

Kevin Ludvik

for

4/16/2024

William McDonald, CSP

Area Director

Date

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



04/16/2024

13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

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 (314) 425-4249.

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,

Kevin Ludvik

for

William McDonald, CSP
Area Director

Enclosures

U.S. Department of Labor

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



Citation and Notification of Penalty

To:
13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

Inspection Number: 1707124
Inspection Date(s): 10/31/2023 - 10/31/2023
Issuance Date: 04/16/2024

Inspection Site:
514 Forest Park Dr.
Wentzville, MO 63385

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (314) 425-4249. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically 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 04/16/2024. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1707124

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 514 Forest Park Dr., Wentzville, MO 63385
Issuance Date: 04/16/2024

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

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 514 Forest Park Dr., Wentzville, MO 63385

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

29 CFR 1926.20(b)(2): Such programs did not provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

13 Construction & Pro Services LLC:

The employer is failing to ensure a competent person conducts an adequate inspection of the job site, materials, and equipment. The condition was most recently observed on or about October 31, 2023, when six employees were observed working in a residential construction site at 514 Forest Park Drive in Wentzville, Missouri. During the inspection, a competent person had not adequately inspected the job site, materials, and equipment thus exposing employees to the following hazardous conditions:

- A.) The employer did not ensure that six employees utilized fall protection such as guardrail systems, safety net systems, or personal fall arrest systems while roofing a residential building thus exposing them to elevated fall hazards.
- B.) The employer did not ensure that a portable ladder used to access the roof of a residential building, where the ladder's length allowed, was extended at least 3 feet (.9m) above the upper landing surface being accessed thus exposing six employees to elevated fall hazards.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	June 03, 2024
Proposed Penalty:	\$5,323.00

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: 1707124
Inspection Date(s): 10/31/2023 - 10/31/2023
Issuance Date: 04/16/2024



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 514 Forest Park Dr., Wentzville, MO 63385

Citation 1 Item 2 Type of Violation: **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.

13 Construction & Pro Services LLC:

The employer is failing to provide a training program for each employee who might be exposed to fall hazards which enables the employees to recognize the hazards of falling and trains each employee in the procedures to be followed in order to minimize these hazards. This condition was most recently observed on or about October 31, 2023, when, during roofing work at 514 Forest Park Drive in Wentzville, Missouri, the employer did not ensure that appropriate fall protection training was provided for five employees who were exposed to fall hazards while removing and replacing roofing materials.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 03, 2024
\$5,323.00

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: 13 Construction & Pro Services LLC
Inspection Site: 514 Forest Park Dr., Wentzville, MO 63385

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

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

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about October 31, 2023, when six employees were observed roofing a residential building at 514 Forest Park Drive in Wentzville, Missouri. The employer did not ensure that where portable ladders were used for access to an upper landing surface, and where the ladder's length allowed, the ladder's side rails were extended at least 3 feet (.9m) above the upper landing surface being accessed. The ladder the employees used to access the roof was extended approximately 2 feet beyond the upper landing, or edge of the roof, thus exposing employees to fall hazards.

29 CFR 1926.1053(b)(1): Abatement for the above violation was verified on-site at the time of the inspection, and no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5,323.00



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 514 Forest Park Dr., Wentzville, MO 63385

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

29 CFR 1926.501(b)(13): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels was not protected by guardrail systems, safety net systems, personal fall arrest systems, or an alternative fall protection measure under another provision of paragraph 1926.501(b), nor did the employer demonstrate that it was infeasible or created a greater hazard to use these systems and develop and implement a fall protection plan which meets the requirements of paragraph (k) of section 1926.502.

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about October 31, 2023, when six employees were observed roofing a residential building at 514 Forest Park Drive in Wentzville, Missouri. The employer did not utilize guardrail systems, a safety net system, or a personal fall arrest system. The employees were observed on the roof of the building, at heights of approximately 8 feet and greater, without fall protection and thus exposed to fall hazards.

29 CFR 1926.501(b)(13): Abatement for the above violation was verified on-site at the time of the inspection, and no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$35,491.00

Kevin Ludvik
for

William McDonald, CSP
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 514 Forest Park Dr., Wentzville, MO 63385
Issuance Date: 04/16/2024

Summary of Penalties for Inspection Number: 1707124

Citation 1 Item 1, Serious	\$5,323.00
Citation 1 Item 2, Serious	\$5,323.00
Citation 1 Item 3, Serious	\$5,323.00
Citation 2 Item 1, Willful - Serious	\$35,491.00

TOTAL PROPOSED PENALTIES: **\$51,460.00**

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.

Kevin Ludvik
for

4/16/2024

William McDonald, CSP
Area Director

Date

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



04/16/2024

13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

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 (314) 425-4249.

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,

Kevin Ludvik

for

William McDonald, CSP
Area Director

Enclosures

U.S. Department of Labor

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



Citation and Notification of Penalty

To:
13 Construction & Pro Services LLC
and its successors
314 Countryshire Drive
Lake St Louis, MO 63367

Inspection Number: 1716710
Inspection Date(s): 12/14/2023 - 12/14/2023
Issuance Date: 04/16/2024

Inspection Site:
207 Limerick Avenue
Wentzville, MO 63385

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (314) 425-4249. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically 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 04/16/2024. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1716710

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 207 Limerick Avenue, Wentzville, MO 63385
Issuance Date: 04/16/2024

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

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 207 Limerick Avenue, Wentzville, MO 63385

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

29 CFR 1926.20(b)(2): Such programs did not provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers:

13 Construction & Pro Services LLC:

The employer is failing to ensure a competent person conducts an adequate inspection of the job site, materials, and equipment. The condition was most recently observed on or about December 14, 2023, when three employees were observed working at 207 Limerick Avenue in Wentzville, Missouri. During the inspection, employees were exposed to the following hazardous conditions:

- a) The employer did not ensure employees were using eye protection while exposed to flying particles or struck-by hazards.
- b) The employer did not ensure the employees exposed to fall hazards were utilizing guardrail systems, a safety net system, or a personal fall arrest system.
- c) The employer did not ensure that where portable ladders were used for access to an upper landing surface, and where the ladders length allowed, that the ladders side rails were extended at least 3 feet (.9m) above the upper landing surface being accessed.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

June 03, 2024
\$5,323.00

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

Inspection Number: 1716710
Inspection Date(s): 12/14/2023 - 12/14/2023
Issuance Date: 04/16/2024



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 207 Limerick Avenue, Wentzville, MO 63385

Citation 1 Item 2 Type of Violation: **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:

13 Construction & Pro Services LLC:

The employer is failing to protect employees from eye hazards from flying particles. The condition was most recently observed on or about December 14, 2023, when three employees were observed working on a two-story single-family home at 207 Limerick Avenue in Wentzville, Missouri. The employer did not ensure an employee utilizing a pneumatic nail gun were provided and used appropriate eye protection while exposed to struck-by hazards.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3,803.00

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: 1716710
Inspection Date(s): 12/14/2023 - 12/14/2023
Issuance Date: 04/16/2024



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 207 Limerick Avenue, Wentzville, MO 63385

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee who might be exposed to fall hazards:

13 Construction & Pro Services LLC:

The employer is failing to provide a training program for each employee who might be exposed to fall hazards which enables the employees to recognize the hazards of falling and trains each employee in the procedures to be followed in order to minimize these hazards. This condition was most recently observed on or about December 14, 2023, when, during roofing work at 207 Limerick Avenue in Wentzville, Missouri, the employer did not ensure that appropriate fall protection training was provided for five employees who were exposed to fall hazards while removing and replacing roofing materials.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	June 03, 2024
Proposed Penalty:	\$5,323.00

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: 1716710
Inspection Date(s): 12/14/2023 - 12/14/2023
Issuance Date: 04/16/2024



Citation and Notification of Penalty

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 207 Limerick Avenue, Wentzville, MO 63385

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

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

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about December 14, 2023, when three employees were observed working on a roof at 207 Limerick Avenue in Wentzville, Missouri. The employer did not ensure that where portable ladders were used for access to an upper landing surface, and where the ladders length allowed, that the ladders side rails were extended at least 3 feet (.9m) above the upper landing surface being accessed. The ladder the employees used to access the roof was extended approximately 10 inches beyond the upper landing, or edge of the roof, thus exposing employees to fall hazards.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5,323.00

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: 13 Construction & Pro Services LLC
Inspection Site: 207 Limerick Avenue, Wentzville, MO 63385

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):

13 Construction & Pro Services LLC:

The employer is failing to protect employees from elevated fall hazards. The condition was most recently observed on or about 2 November 2023, when five employees were observed roofing a residential building at 207 Limerick Avenue in Wentzville, Missouri. The employer did not utilize guardrail systems, a safety net system, or a personal fall arrest system. Three employees were observed working on the roof of the building, at heights of approximately 10-20 feet and greater above the ground, without fall protection and thus were exposed to fall hazards.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$35,491.00

Kevin Ludvik
for

William McDonald, CSP
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: 13 Construction & Pro Services LLC
Inspection Site: 207 Limerick Avenue, Wentzville, MO 63385
Issuance Date: 04/16/2024

Summary of Penalties for Inspection Number: 1716710

Citation 1 Item 1, Serious	\$5,323.00
Citation 1 Item 2, Serious	\$3,803.00
Citation 1 Item 3, Serious	\$5,323.00
Citation 1 Item 4, Serious	\$5,323.00
Citation 2 Item 1, Willful - Serious	\$35,491.00

TOTAL PROPOSED PENALTIES: **\$55,263.00**

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.

Kevin Ludvik
for

4/16/2024

William McDonald, CSP
Area Director

Date