

U.S. Department of Labor Occupational Safety and Health Administration
4802 E. Broadway
Madison, WI 53716
Phone: (608) 441-5388 Fax: (608) 441-5400



May 24, 2018

Estimado Leonela Castilla,

En 11/30/2017, un especialista de asistencia de cumplimiento de OSHA se reunió con usted o su representante como parte de una inspección al 5206 Paulson Court Mc Farland, WI 53558. Esta carta incluye las citaciones para las infracciones que se encontraron (vea el resumen abajo). Por favor, escoja una de las tres opciones de la caja a la derecha y complete los pasos asociados en la página siguiente **dentro de 15 días laborales**. Por favor, llámenos si usted tiene cualquier pregunta sobre las citaciones o multas adjuntas; estamos aquí para ayudarle escoger la mejor opción para resolver su citación lo más pronto posible.

Atentamente,



Howard B. Eberts, Directora de Área

Su Resumen de Citación

Hector Hernandez

Número de Inspección: 1280380

Monto Debido: \$56,908.00

**Fecha de Pago: 15 días laborales
después del recibo
de esta carta**

Usted debe corregir cada infracción por la fecha indicada en la Citación y Notificación de Multa. Por favor, vea las infracciones y fecha de corrección para cada infracción empezando en la página 6.

Número Total de Infracciones: 1

**Su Primer Plazo de Corrección es: June 4,
2018**

Paso 1 – Escoja una opción de respuesta y

Tome acción dentro de 15 días laborales

Responda ahora antes que usted pierda la habilidad de discutir posibles ajustes a los montos de penalización y/ o la fecha de entrega. Por favor, escoja una opción abajo y complete los pasos en la página siguiente.

Opción #1 – Discutir con OSHA

Me gustaría discutir esta citation con un representante de OSHA. Este puede causar cambios en el monto de multa, la fecha de entrega o plazos de corrección (si aplicable).

Opción #2 – Corregir y Pagar

Estoy de acuerdo con la citación, multas, y/o plazos de corrección, y no impugno.

Opción #3 – Impugnar la Citación

No estoy de acuerdo con la citación, multas, y/o plazos de corrección, y me gustaría impugnar.

¿Preguntas o Inquietudes?

Si usted tiene preguntas o inquietudes con relación a la citación, multas, y/o plazos de corrección, por favor llámenos al (608) 441-5388.

Paso 2 – Completar una de las Opciones en la Lista

Por favor publique una copia de la citación en o cerca del lugar donde ocurrió cada infracción, aun si usted planea impugnar. Usted puede usar la lista de verificación a la derecha para ayudarle planear sus próximos pasos. Por favor no envíenos su lista de verificación.

Opción #1 – Discutir con OSHA

Voy a completar por:



1. Llame: Howard B. Eberts, Directora de Área, al (608) 441-5388 lo más pronto posible para programar una reunión con un representante de OSHA que tiene que ocurrir **dentro de 15 días laborales** de recibir esta citación. Lleve documentación que muestra las condiciones existentes y las correcciones hasta ahora. Si sea necesario, usted todavía puede impugnar la citación después de esa reunión. ****Esta reunión NO extiende su plazo de 15 días laborales para impugnar la citación.****

 ___ / ___

2. Llene y publique la "Notice to Employees OSHA Informal Conference" después de programar una reunión.

 ___ / ___

Opción #2 – Corregir las Infracciones y Pagar las Multas

Voy a completar por:



1. Corrija las infracciones, luego complete y envíe el "Certification of Corrective Action Worksheet" con la evidencia adecuada de corrección (fotos, órdenes de compra, etc.) a la oficina de OSHA anotada en la primera página, **matasellada dentro de 10 días calendarios después de cada plazo de corrección de las violaciones e incluya cualquier evidencia requerida. Si estos documentos son transmitidos por otra manera de correo, la fecha en cual la Agencia recibe el documento es la fecha de entrega.**

 ___ / ___

2. Pague el monto total debido por uno de los siguientes métodos:
****Incluye su Número de Inspección (primera página) en el pago****

 ___ / ___

Pagar por Internet: Busque "OSHA" en www.pay.gov y complete the "OSHA Penalty Payment Form." Pagar por debito, credito o Automated Clearing House (ACH) **dentro de 15 días laborales**. Las multas que suman más de \$25,000 deben ser pagadas porACH y requieren un Transaction ID (Llame 202-693-2170 para obtener un ID).

Pay por Cheque: Envíe un cheque u orden de giro a la orden de "DOL-OSHA" para la Multa Total a la oficina de OSHA notada en la primera página **dentro de 15 días laborales**.

Opción #3 – Impugnar la Citación

Voy a completar por:



Envíe una carta de intento para legalmente impugnar a la oficina de OSHA notada en la primera página **matasellada dentro de 15 días laborales**.

 ___ / ___

U.S. Department of Labor

Occupational Safety and Health Administration
4802 E. Broadway
Madison, WI 53716
Phone: 608-441-5388 Fax: 608-441-5400



Citation and Notification of Penalty

To:

Hector Hernandez, dba Town City Construction
and its successors
229 E. Shasta Lane
Appleton, WI 54915

Inspection Number: 1280380**Inspection Date(s):** 11/30/2017 - 11/30/2017**Issuance Date:** 05/24/2018**Inspection Site:**

5206 Paulson Court
Mc Farland, WI 53558

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. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/24/2018. The conference will be held by telephone or at the OSHA office located at 4802 E. Broadway, Madison, WI 53716 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1280380

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: 5206 Paulson Court, Mc Farland, WI 53558
Issuance Date: 05/24/2018

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, 4802 E. Broadway, Madison, WI 53716**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1280380
Inspection Date(s): 11/30/2017 - 11/30/2017
Issuance Date: 05/24/2018



Citation and Notification of Penalty

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: 5206 Paulson Court, Mc Farland, WI 53558

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

29 CFR 1926.501(b)(11): Each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels was not protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems:

Hector Hernandez does not ensure each employee on a steep pitch roof, with unprotected sides and edges, is protected from falling by an acceptable form of fall protection. The employer does not require the use of complete and properly installed fall protection during roofing work. This most recently occurred on November 30, 2017, at 5206 Paulson Court McFarland WI. Employees roofing a steep pitch commercial roof were exposed to falls when personal fall arrest systems were not used by all employees and none of the employees were properly using their personal fall arrest systems.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from fall hazards.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

06/04/2018
\$56908.00

A handwritten signature in black ink, appearing to read "H. B. Eberts", written over a horizontal line.

Howard B. Eberts
Acting Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
4802 E. Broadway
Madison, WI 53716
Phone: 608-441-5388 Fax: 608-441-5400



INVOICE / DEBT COLLECTION NOTICE

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: 5206 Paulson Court, Mc Farland, WI 53558
Issuance Date: 05/24/2018

Summary of Penalties for Inspection Number	1280380
Citation 1, Willful	\$56908.00
TOTAL PROPOSED PENALTIES	\$56908.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

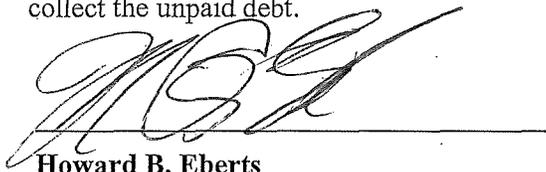
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Howard B. Eberts
Acting Area Director

5-24-2018
Date

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
920-734-4521 Fax: 920-734-2661



Citation and Notification of Penalty

To:
Hector Hernandez, dba Town City Construction
and its successors
229 E. Shasta Lane
Appleton, WI 54915

Inspection Number: 1304666
Inspection Date(s): 03/28/2018 - 03/28/2018
Issuance Date: 05/30/2018

Inspection Site:
Rivermor Dr. Lot 25
Sheboygan, WI 53083

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.

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

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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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

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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.

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 05/30/2018. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1304666

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083
Issuance Date: 05/30/2018

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, 1648 Tri Park Way, Appleton, WI 54914**

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: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.451(f)(7): Scaffolds were not erected, moved, dismantled, or altered, by trained and experienced employees under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration:

On and about March 28, 2018, employees were exposed to falls while working from ladder jack scaffolds that were not erected by trained employees or supervised by a competent person that could recognize hazards and take corrective actions to eliminate the hazards in that:

- A) Two Werner Type II fiberglass extension ladders were used instead of Type I ladders to support the jacks;
- B) Two scaffold planks were bridged across one ladder and another plank was bearing on one of the first planks at 90 degrees;
- C) Scaffold planks were not secured with the integral clips to prevent sliding.

Hector Hernandez was previously cited for a violation of this occupational safety and health standard or its equivalent standard which was contained in OSHA inspection number 1090713, citation number 1, item number 3, and was affirmed as a final order on 2/9/16, with respect to a workplace located at 340 N. 7th St. Wisconsin Rapids, WI 54495.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/27/2018
Proposed Penalty:	\$6504.00

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: 1304666
Inspection Date(s): 03/28/2018 - 03/28/2018
Issuance Date: 05/30/2018



Citation and Notification of Penalty

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

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

29 CFR 1926.452(k)(5): Scaffold platforms shall not be bridged one to another.

On and about March 28, 2018, employees were exposed to falls while working from a ladder jack scaffold where three planks were set up on 4 ladders, with the center ladder supporting two planks and one end plank was supporting a fourth plank set at 90 degrees.

Hector Hernandez was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1926.452(k)(4), which was contained in OSHA inspection number 1090713, citation number 1, item number 5A, and was affirmed as a final order on 2/9/16, with respect to a workplace located at 340 N. 7th St. Wisconsin Rapids, WI 54495.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/27/2018

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: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

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

29 CFR 1926.1053(b)(4): Ladders shall be used only for the purpose for which they were designed.

On and about March 28, 2018, employees were exposed to falls while using ladders for purposes which they were not intended in that: Werner Type II fiberglass ladders were used to support ladder jack scaffold planks when the manufacturer specifies only Type I ladders should be used.

Hector Hernandez was previously cited for a violation of this occupational safety and health standard or its equivalent standard which was contained in OSHA inspection number 1090713, citation number 1, item number 5B, and was affirmed as a final order on 2/9/16, with respect to a workplace located at 340 N. 7th St. Wisconsin Rapids, WI 54495.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/27/2018



Citation and Notification of Penalty

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 1 a Type of Violation: **Willful**

29 CFR 1926.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part.

Hector Hernandez has not developed and implemented safety and health programs to ensure compliance with safety Standards contained in 29 C.F.R 1926. The employer does not have programs to ensure compliance with PPE, electrical, scaffold, fall protection, and ladder requirements, and does not designate any competent person to ensure employees follow safe work practices. This most recently occurred on March 28, 2018, at Lot 25 Rivermor Dr. Sheboygan, WI. Employees roofing a steep pitch house were exposed to falls from ladders, scaffolds and the roof when personal fall arrest systems were not used by all employees and none of the employees were properly using their personal fall arrest systems.

To abate this item, the employer must initiate and maintain a program, including frequent and regular inspections by competent persons it designates, to ensure that workers use appropriate safety measures. Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/27/2018
\$56908.00



Citation and Notification of Penalty

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

Citation 2 Item 1 b Type of Violation: **Willful**

29 CFR 1926.21(b)(2): The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

Hector Hernandez does not provide training to employees which would allow them to recognize and avoid unsafe conditions, or to understand and follow the OSHA Standards that apply to construction work, to include the proper use of personal protective equipment, power tools, extension cords, scaffolding, ladders, and fall protection. This most recently occurred on March 28, 2018, at Lot 25 Rivermor Dr. Sheboygan, WI. Employees roofing a steep pitch house were exposed to falls from ladders, scaffolds and the roof when PPE was not used, ladders and scaffolding were not set up correctly and employees were not properly using their personal fall arrest systems.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including copies of the training materials and the names and qualifications of the persons it is designating as competent.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/27/2018



Citation and Notification of Penalty

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

Citation 2 Item 1 c Type of Violation: **Willful**

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):

Hector Hernandez does not ensure each employee on a steep pitch roof, with unprotected sides and edges, is protected from falling by an acceptable form of fall protection. The employer does not require the use of complete and properly installed fall protection during roofing work. This most recently occurred on March 28, 2018, at Lot 25 Rivermor Dr. Sheboygan, WI. Employees roofing a steep pitch house were exposed to falls when personal fall arrest systems were not used by all employees and none of the employees were properly using their personal fall arrest systems.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from fall hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/27/2018



Citation and Notification of Penalty

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

Citation 2 Item 1 d Type of Violation: **Willful**

29 CFR 1926.503(a)(2): The employer shall assure that each employee has been trained, as necessary, by a competent person qualified in the following areas:

Hector Hernandez does not have a program to ensure employees are able to recognize fall hazards and take the appropriate actions to eliminate those hazards, and does not ensure the employees have been trained by a competent person to properly set up and use fall protection systems or to understand the other Standards in this subpart. This most recently occurred on March 28, 2018, at Lot 25 Rivermor Dr. Sheboygan, WI. Employees roofing a steep pitch house were exposed to falls when personal fall arrest systems were not used by all employees and none of the employees were properly using their personal fall arrest systems.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/27/2018



Citation and Notification of Penalty

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083

Citation 2 Item 1 e Type of Violation: **Willful**

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:

Hector Hernandez does not ensure employees are protected from falling from ladders that are properly set up with the top of the ladder at least 3' above the upper landing surfaces to provide a hand hold while stepping on and off of the ladders, and does not ensure the employees have been trained by a competent person to properly set up and use ladders or to understand and follow the Standards in this subpart. This most recently occurred on March 28, 2018, at Lot 25 Rivermor Dr. Sheboygan, WI.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/27/2018

A handwritten signature in blue ink that reads "Robert J. Bonack".

Robert J. Bonack
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
920-734-4521 Fax: 920-734-2661



INVOICE / DEBT COLLECTION NOTICE

Company Name: Hector Hernandez, dba Town City Construction
Inspection Site: Rivermor Dr. Lot 25, Sheboygan, WI 53083
Issuance Date: 05/30/2018

Summary of Penalties for Inspection Number	1304666
Citation 1, Repeat	\$6504.00
Citation 2, Willful	\$56908.00
TOTAL PROPOSED PENALTIES	\$63412.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Robert J. Bonack
Area Director

May 30, 2018
Date