

**SETTLEMENT AGREEMENT for FTA**

The Commissioner of Labor (hereinafter referred to as "Commissioner") and *Medinilla Carpentry LLC*, (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. *317862118* issued to the Employer on *January 30, 2015*, in the following manner.

**SAFETY ORDER 01:**

Item 1: Upheld; penalty reduced to \$ 0.00, *abatement has been verified on March 12, 2015.*

Item 2: Upheld; penalty reduced to \$ 0.00, *abatement has been verified on March 12, 2015.*

Item 3: Upheld; penalty reduced to \$ 0.00, *abatement has been verified on March 12, 2015.*

Item 4: Upheld; penalty reduced to \$ 0.00, *abatement has been verified on March 12, 2015.*

*In exchange, The Employer agrees:*

- 1. The Employer has trained all employees who have a safety responsible in Crane safety.*
- 2. The Employer trained all Supervisors in Competent Person safety, for cranes .*
- 3. The Employer has developed Safety and Health programs.*
- 4. IDOL has verified ALL training and programs required of the employer to do to complete this task.*
- 5. ALL PENALTIES HAVE BEEN REDUCED TO \$ 0.00, PER ad JLANDER.*

Respondent understands that a request must be made in writing to IOSHA for a Petition for Modification of Abatement prior to the above abatement date if abatement cannot be met by the respective dates and an extension is required.

Except for the above specified amendments all other provisions of Safety Order Number *317862118* are retained intact.

***The TOTAL AGREED PENALTY is \$ 0.00***

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.


Upon full execution of this Settlement Agreement the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

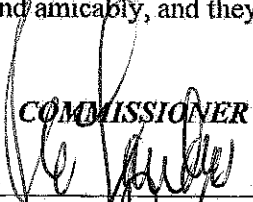
The total AGREED PENALTY is due and payable on within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately. *Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on your remittance. Please send payments to the following address:*

*Indiana Department of Labor  
402 West Washington Street – Room W195  
Indianapolis, Indiana 46204*

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

*Medinilla Carpentry LLC*  
By:   
Title: Adam  
Date: 7-13-2015

**COMMISSIONER OF LABOR**  
By:   
Title: Commissioner of Labor  
Date: 5/27/15

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-1979 FAX: (317)233-3794



*certified mail #702 2210 0002 4729 6030 1-30-15 JTD*

## Notification of Failure to Abate Alleged Violations

**To:**  
Medinilla Carpentry LLC  
2039 Amerherst Dr., Apt. A  
Indianapolis, IN 46260

**Original Inspection Number:** 317452951  
**Original Inspection Date(s):** 4/21/2014 - 8/25/2014  
**Inspection Number:** 317862118  
**Inspection Date(s):** 01/28/2015 - 01/30/2015  
**Issuance Date:** 1/30/2015

**Inspection Site:**  
16091 Malbec Street  
Fishers, IN 46038

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

After the original inspection, a Safety Order(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and State holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification 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 the Notification is affirmed by the Review Commission.

**Notification of Corrective Action** - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the IOSHA office issuing the safety order and identification above. The certification **must** be sent by you within **10 calendar days** of the abatement date of the abatement date identification on the safety order. For **Knowing and Repeat**

violations, documents (examples: photos, copies of recipes, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the safety order is classified as Serious and the safety orders states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the safety order indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

For each safety order where you do contest the violation or the abatement date, your obligation to submit abatement certification and any documents is delayed until the contest and the 10-day period after the abatement date have expired. See 29CFR 1903.19 and the OSHA 3000 booklet for more information.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the safety order and safety order item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to IOSHA, also be posted at the location where the violation appeared and the corrective action took place.

**Inspection Activity Data** - you should be aware that IOSHA publishes information on its inspection and safety order activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Safety Order Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

Make your check or money order payable to "Indiana DOL/IOSHA". Please indicate the Inspection Number on the remittance.

## **NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 9/11/2014. The conference will be held at the OSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN, 46204 on \_\_\_\_\_ at . Employees and/or representatives of employees have a right to attend an informal conference.

**Indiana Department of Labor**  
Indiana Occupational Safety and Health Administration

**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 317452951      **Inspection Number:** 317862118  
**Original Inspection Date(s):** 4/21/2014 - 8/25/2014      **Inspection Date(s):** 01/28/2015 - 01/30/2015  
**Issuance Date:** 1/30/2015  
**CSHO ID:** U7851  
**Optional Report No.:** 01815

**Company Name:** Medinilla Carpentry LLC  
**Inspection Site:** 16091 Malbec Street, Fishers, IN 46038

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**Safety Order 01 Item 001**

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

Job-site-- On or about April 12, 2014, the employer had not developed, implemented, or enforced an accident prevention safety & health program which included but is not limited to the following items:

- (1) a statement of management commitment toward the identification and evaluation of occupational hazards
- (2) establishment of employee participation in safety meetings and inspections
- (3) development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work conditions.

**FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 001, INSPECTION NO. 317452951, ISSUED ON SEPTEMBER 11, 2014.**

**Additional Penalty:**  
**\$37,500.00**

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration

**Notification of Failure to Abate Alleged Violation**

<b>Original Inspection:</b>	317452951	<b>Inspection Number:</b>	317862118
<b>Original Inspection Date(s):</b>	4/21/2014 - 8/25/2014	<b>Inspection Date(s):</b>	01/28/2015 - 01/30/2015
		<b>Issuance Date:</b>	1/30/2015
		<b>CSHO ID:</b>	U7851
		<b>Optional Report No.:</b>	01815

**Company Name:** Medinilla Carpentry LLC  
**Inspection Site:** 16091 Malbec Street, Fishers, IN 46038

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**Safety Order 01 Item 002**

29 CFR 1926.20(b)(2): The employers safety program did not provide for frequent and regular inspections of the job site and equipment by a competent person:

Job-site-- On or about April 12, 2014, the employers designated competent person, on the site, failed to identify existing and predictable hazards and /or take the necessary measures to alleviate the hazard falls.

**FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 002, INSPECTION NO. 317452951, ISSUED ON SEPTEMBER 11, 2014.**

**Additional Penalty:**  
**\$37,500.00**

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration

**Notification of Failure to Abate Alleged Violation**

<b>Original Inspection:</b>	317452951	<b>Inspection Number:</b>	317862118
<b>Original Inspection Date(s):</b>	4/21/2014 - 8/25/2014	<b>Inspection Date(s):</b>	01/28/2015 - 01/30/2015
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**Company Name:** Medinilla Carpentry LLC  
**Inspection Site:** 16091 Malbec Street, Fishers, IN 46038

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**Safety Order 01 Item 003**

29 CFR 1926.501(b)(15): Each employee on a walking/working surface with an unprotected side or edge which was 6 feet or more above lower levels was not protected by the use of guardrail systems, safety net systems, or personal fall arrest systems:

Lot #548 Job site-- On or about April 12, 2014, employee working/ standing on the exterior wood frame wall at height of approximately 2.5 inches (2x4) wide at approximately 9 feet- 8.5 inches high above the lower level was not protected from falls.

**FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 003, INSPECTION NO. 317452951, ISSUED ON SEPTEMBER 11, 2014.**

**Additional Penalty:**  
**\$37,500.00**



**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration

**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 317452951      **Inspection Number:** 317862118  
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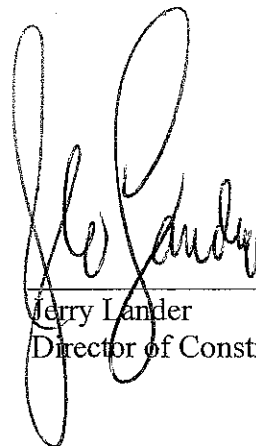
**Safety Order 01 Item 004**

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

Job site-- On or about April 12, 2014, employee exposed to fall hazards was not provided with a fall training program.

**FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 004, INSPECTION NO. 317452951, ISSUED ON SEPTEMBER 11, 2014.**

**Additional Penalty:**  
**\$37,500.00**



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Jerry Lander  
Director of Construction Safety

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-1979 FAX: (317)233-8509



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Medinilla Carpentry LLC  
**Inspection Site:** 16091 Malbec Street, Fishers, IN 46038  
**Issuance Date:** 9/11/2014  
**Opt. Insp. Nr:** 01815

**Summary of Penalties for Inspection Number:** 317452951  
**Followup Inspection Number:** 317862118

**Safety Order 1, Serious** = \$150,000.00  
**TOTAL ADDITIONAL PROPOSED PENALTIES = \$150,000.00**

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To avoid additional charges, please remit payment promptly to this Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

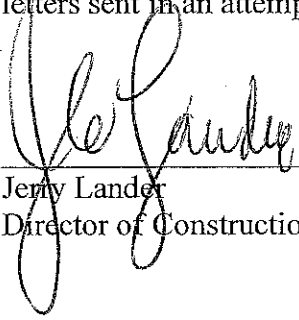
OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

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.

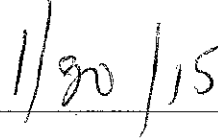
**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest 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 Safety Order 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.



Jenny Lander  
Director of Construction Safety



Date