

SETTLEMENT AGREEMENT

The Commissioner of Labor (here in after referred to as "Commissioner") and the Milestone Construction Co Inc, herein after referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 315049775 issued to the Employer on September 12, 2012 in the following manner.

The Employer and Deputy Commissioner of Labor Mr. Jeff Carter on September 12, 2012 has agreed to modify the following terms of the Original and FTA violations and penalties as noted:

1. Penalties and training shall be completed no later than (120) day from this date, September 12, 2012.
2. Compliance of this new agreement the Deputy Commissioner of Labor Mr. Jeff Carter, agrees to dismiss FTA violations.
3. The employer agrees to contact IDOL INSafe for a Consultation within (30) days.
4. Any deviation will resort back to Failure to Abate Alleged Violation issuance on 05/18/2012.

SAFETY ORDER 01:

Item 1a & b: Upheld; penalty reduced to \$ 250.00, abatement has been modified until January 12, 2013.

Item 2: Upheld; penalty reduced to \$ 250.00, abatement has been modified until January 12, 2013.

Item 3: Upheld; penalty reduced to \$ 250.00.

Item 4: Upheld; penalty reduced to \$ 250.00.

At the time of this agreement on 9/12/12 the Employer has no employees, IDOL will agree that the Owner shall be required to train in an OSHA Limited Scope Construction Scaffold Safety course along with Competent Person training. The training shall be completed within one hundred twenty (120) days of the signed Settlement Agreement. The (Owner) will also be required to contact IDOL INSafe for help in help developing their Health and Safety Programs. The Employer shall forward IDOL a copy of the agenda and sign in sheet of the training upon completion and forward Safety and Health programs when completed for IDOL review. Also the Employer shall forward IDOL training records when employees are hired in the future.

Except for the above specified amendments all other provisions of Safety Order Number 315049775 are retained intact.

The TOTAL AGREED PENALTY is \$ 1,000.00

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.

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.

Milestone Construction Co Inc

By: [Signature]

Title: owner

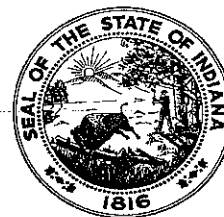
Date: 10-9-2012

COMMISSIONER OF LABOR

By: [Signature]

Title: Deputy Commissioner of Labor

Date: 10/9/12



Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
PHONE 317-232-1979; FAX 317-233-3790

Certified mail # 7003 1010 0003 5732 2848 5-18-12 jto

Notification of Failure to Abate Alleged Violations

To: Milestone Construction Company Inc. 101 E. Riverside Drive Attn: David T. Hall Evansville, IN 47713	Original Inspection Number: 315049775 Original Inspection Date(s): 05/26/2011 - 05/27/2011 Inspection Number: 315863654 Inspection Date(s): 05/01/2012 - 05/01/2012 Issuance Date: 05/18/2012
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Inspection Site:
5701 Highway 41 North
Hampton Inn
Evansville, IN 47711

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. 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.

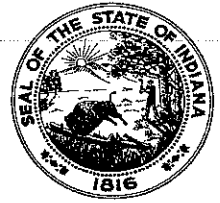


NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 05/18/2012. 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:	315049775	Inspection:	315863654
Original Inspection Dates:	05/26/2011 - 05/27/2011	Inspection Dates:	05/01/2012 - 05/01/2012
		Issuance Date:	05/18/2012

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North, Hampton Inn, Evansville, IN 47711

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

Safety Order 1 Item 1a

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

Jobsite - On May 4, 2012, The employer had not developed and implemented such program.

FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 001a, INSPECTION NO. 315049775, ISSUED ON JUNE 21, 2011.

Additional Penalty: **\$18000.00**

Safety Order 1 Item 1b

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29CFR1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area: (Construction Reference: 1926.59)

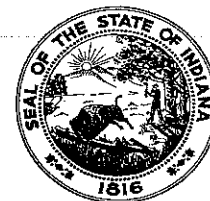
Jobsite - On May 4, 2012, The employer had not provided employees with information on the Hazard Communication standard and employees were not trained on the use and presence of hazardous substances in their work.

FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 002b, INSPECTION NO. 315049775, ISSUED ON JUNE 21, 2011.

Additional Penalty: **\$.00**

Indiana Department of Labor

Indiana Occupational Safety and Health Administration



Notification of Failure to Abate Alleged Violation

Original Inspection: 315049775 **Inspection:** 315863654
Original Inspection Dates: 05/26/2011 - 05/27/2011 **Inspection Dates:** 05/01/2012 -
05/01/2012
Issuance Date: 05/18/2012

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North, Hampton Inn, Evansville, IN 47711

Safety Order 1 Item 2

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

Job site ----- On May 4, 2012, The employer had not developed, initiated, and implemented an accident prevention safety program which included identification and evaluation of hazards, employee participation in safety meetings and inspections, and development of written safety rules which would enable employees to recognize and avoid unsafe conditions and hazards.

FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 002, INSPECTION NO. 315049775, ISSUED ON JUNE 21, 2011.

Additional Penalty: \$60000.00

Safety Order 1 Item 3

29 CFR 1926.503(c)(3) : The employer did not retrain employees in fall protection when inadequacies in an affected employees knowledge indicated that the employees had not retained the requisite understanding and skill needed:

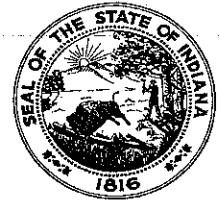
Roof of building ----- On May 4, 2012, Two employees installing synthetic stucco/EIFS on the northwest side of the roof of the building approximately 18.5 feet high without being protected from falling had not been retrained in fall protection.

FAILURE TO ABATE SAFETY ORDER NO. 01, ITEM NO. 003, INSPECTION NO. 315049775, ISSUED ON JUNE 21, 2011.

Additional Penalty: \$60000.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration



Notification of Failure to Abate Alleged Violation

Original Inspection: 315049775 **Inspection:** 315863654
Original Inspection Dates: 05/26/2011 - 05/27/2011 **Inspection Dates:** 05/01/2012 - 05/01/2012
Issuance Date: 05/04/2012

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North, Hampton Inn, Evansville, IN 47711

Safety Order 2 Item 1

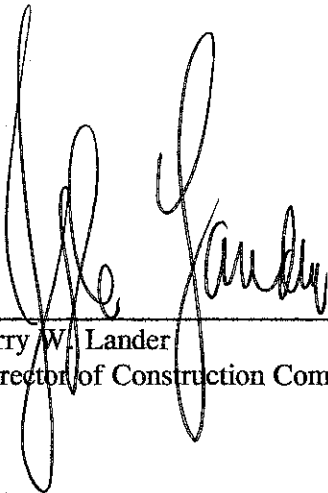
29 CFR 1926.503(b)(1): The employer did not verify fall protection training by preparing a written certification record:

Job site ----- On May 4, 2012, The employer had no records or other written certification of fall protection training conducted with employees.

FAILURE TO ABATE SAFETY ORDER NO. 02, ITEM NO. 001, INSPECTION NO. 315049775, ISSUED ON JUNE 21, 2011.

Additional Penalty:

\$12,000.00



Jerry W. Lander
Director of Construction Compliance-IOSHA

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317-232-1979; FAX: 317-233-3790



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North
Hampton Inn
Evansville, IN 47711
Issuance Date: 05/04/2012

Summary of Penalties for Inspection Number 315049775
Followup Inspection Number 315863654
TOTAL ADDITIONAL PROPOSED PENALTIES = \$150,000.00

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:

"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.

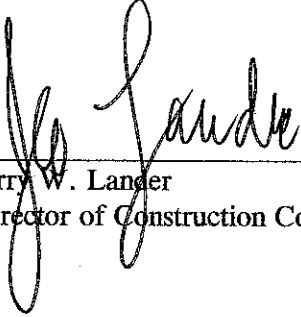
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

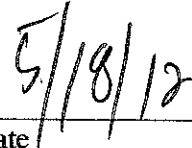
Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than

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.



Jerry W. Lander
Director of Construction Compliance-IOSHA



Date



Indiana

Department of Labor

Advancing the safety, health and prosperity of Hoosiers in the workplace

MITCHELL L. DANIELS, Jr., GOVERNOR
Lori A. Torres, Commissioner

402 West Washington Street, Room W195
Indianapolis, Indiana 46204-2751

Phone: (317) 232-2655
Fax: (317) 233-3790

June 21, 2011

Milestone Construction Company Inc
101 E Riverside Dr.
Evansville, IN 47711

Attention: David T Hall
Re: Inspection Number 315049775

The recent inspection of your workplace was not initiated as a result of a fatality or a catastrophe and revealed no instances of repeated, knowing, or failure-to-abate violations. In addition, there were not more than five (5) high-gravity serious violations or penalties issued greater than \$7,500.00 for this inspection. Lastly, we do not have any record of you owing unpaid penalties due to IOSHA.

Based on the above factors your firm is eligible to take advantage of an Expedited Informal Settlement Agreement (EISA). Under this program, an employer and IOSHA can enter into an Informal Settlement Agreement without going through the informal conference process in the IOSHA office.

However, if you decide to enter into the Expedited Informal Settlement Agreement, you should be aware that you relinquish your right to contest the citations and penalties.

The Expedited Informal Settlement Agreement can be used only where the sole issue of dispute is the dollar amount of proposed penalties. If you wish to discuss, change, or object to any other aspect of the inspection or citations, including abatement dates, validity of violations, classification of violations, then the Expedited Informal Settlement Agreement cannot be used. Under those circumstances, you may request an informal conference with me and/or exercise your contest rights as explained in the IOSHA Closing Conference Guide which details employer rights and responsibilities following an IOSHA inspection.

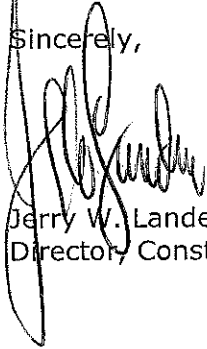
You should carefully read the enclosed Expedited Informal Settlement Agreement to determine whether the terms of the agreement are acceptable to you. Key elements of the agreement: for IOSHA to agree to a 35 percent reduction in the total penalty amount proposed; for the employer to correct the violations by the abatement date(s) set forth in the citation(s); for the employer to provide evidence of corrective actions taken and to provide written certification that all items have been abated at the time of final abatement. Please note that failure to comply with any of the terms of this agreement will cause the penalty to revert to the initial proposed penalty.

If hand delivered, the signed agreement and a check for the full amount of the reduced penalty (65 percent of the total of initial proposed penalties) must be delivered to the Indiana Department of Labor office prior to the expiration of the 15-working-day contest period. If mailed, the letter must be postmarked not later than the day that the 15-working-day contest period ends and addressed to:

IOSHA EISA
402 W. Washington Street, Room W195
Indianapolis, IN 46204

If you have any questions regarding the Expedited Informal Settlement Agreement, please contact this office at (317) 232-1979.

Sincerely,



Jerry W. Lander
Director, Construction Safety Compliance

EISA Description

**Indiana Department of Labor
Occupational Safety and Health Administration
402 W. Washington Street, Room W195
Indianapolis, IN 46204**

WHAT IS EISA?

It is a way to cut IOSHA penalties significantly.

WHY IS THIS OFFER BEING MADE TO THE EMPLOYER?

Because the recent inspection of your workplace uncovered no repeated, willful, or failure to abate violations of IOSHA standards and you are willing to correct the violations that were found no later than the dates shown on the citations. In addition, this was not an accident and/or fatality/catastrophe inspection, nor currently are you delinquent with penalty payments.

WHAT DO I HAVE TO DO?

You have to agree to correct all the violations by the dates shown on the citations and provide evidence of the corrections. Additionally, you must prepare a written certification that all of the violations have been corrected. A copy of the certification must be posted for employees to see, and a copy must be sent to the IOSHA office. For your convenience, copies of the required Letter of Abatement and Photo Mounting Worksheet have been provided with this mailing.

STEP-BY-STEP, HOW WOULD I PROCEED?

1. Read and understand the EISA.
2. If the terms are agreeable, sign the EISA and return it to this office with a check for the reduced penalty amount. The agreement must be signed by you and postmarked no later than the end of the 15-working-day contest period. IOSHA will then sign the EISA and send it back to you.
3. Correct the violations on or before the dates on the citations.
4. Send evidence of the corrections made (e.g., photographs, purchase orders, etc.).

WHAT IF I RUN INTO PROBLEMS AND CANNOT CORRECT ALL OF THE VIOLATIONS BY THE DATES INDICATED ON THE CITATION?

Contact this office as soon as you determine that you will not be able to correct the violations by the dates on the citation. If you can show a good reason for the delay, a new abatement date can be set.

Expedited Informal Settlement Agreement

Indiana Department of Labor
Occupational Safety and Health Administration
402 W. Washington Street, Room W195
Indianapolis, IN 46204

In the Matter of: Milestone Construction Company Inc
Inspection Number: 315049775

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned EMPLOYER and the undersigned Indiana Occupational Safety and Health Administration (IOSHA), in settlement of the above referenced Safety Order(s) and Notification(s) of Penalty which were issued on 06/21/11, hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above referenced safety order(s).
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to IOSHA that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three working days in the same location where the safety orders were posted as described in paragraph 6 of this AGREEMENT.
4. IOSHA agrees that the total penalty is amended to **\$3217.50**. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initial proposed penalty.
5. In consideration of the foregoing amendment(s) and/or modification(s) to the safety order(s), the EMPLOYER hereby waives its right to contest said safety order(s). It is understood and agreed by the Indiana Occupational Safety and Health Administration and the EMPLOYER that the citation(s) as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Safety Orders (Safety Orders are required by law to be posted in a prominent place at or near the location of the violation(s). Safety Orders must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and federal holidays), whichever is longer.
7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Milestone Construction Company Inc

Lori A. Torres,
COMMISSIONER OF LABOR

By: _____

By: _____

Title: _____

Title: _____

Date: _____

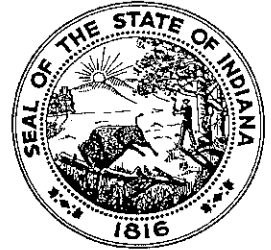
Date: _____

NOTICE TO EMPLOYEES

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

Indiana Department of Labor
Occupational Safety and Health Administration
402 W. Washington Street, Room W195
Indianapolis, IN 46204

Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-3790



Certified mail # 7003 1010 0003 5731 7868 6-21-11 jto

Safety Order and Notification of Penalty

To:
Milestone Construction Company Inc.,
and its successors
101 E. Riverside Drive
Attn: David T. Hall
Evansville, IN 47713

Inspection Number: 315049775
Inspection Date(s): 05/26/2011 - 05/27/2011
Issuance Date: 06/21/2011

Inspection Site:
5701 Highway 41 North
Hampton Inn
Evansville, IN 47711

The violation(s) described in this Safety Order 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.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within

fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the

following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

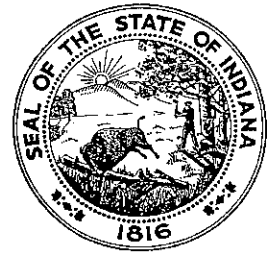
Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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 Indiana Department of Labor/IOSHA at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

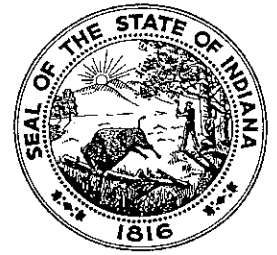
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 06/21/2011. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049775
Inspection Dates: 05/26/2011 - 05/27/2011
Issuance Date: 06/21/2011



Safety Order and Notification of Penalty

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North, Hampton Inn, Evansville, IN 47711

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

Safety Order 1 Item 1a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

Job site ----- On May 26, 2011 and before, the employer had not developed and implemented such program.

Date By Which Violation Must be Abated: 08/08/2011
Proposed Penalty: \$450.00

Safety Order 1 Item 1b Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area: (Construction Reference: 1926.59)

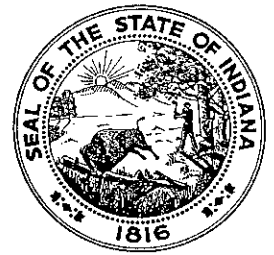
Job site ----- On May 26, 2011 and before, the employer had not provided employees with information on the hazard communication standard and employees were not trained on the use and presence of hazardous substances in their work.

Date By Which Violation Must be Abated: 08/08/2011
Proposed Penalty: \$0.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049775
Inspection Dates: 05/26/2011 - 05/27/2011
Issuance Date: 06/21/2011



Safety Order and Notification of Penalty

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North, Hampton Inn, Evansville, IN 47711

Safety Order 1 Item 2 Type of Violation: **Serious**

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

Job site ----- On May 26, 2011 and before, the employer had not developed, initiated, and implemented an accident prevention safety program which included identification and evaluation of hazards, employee participation in safety meetings and inspections, and development of written safety rules which would enable employees to recognize and avoid unsafe conditions and hazards.

Date By Which Violation Must be Abated: 08/08/2011
Proposed Penalty: \$1,500.00

Safety Order 1 Item 3 Type of Violation: **Serious**

29 CFR 1926.501(b)(1) : Each employee on a walking/working surface with an unprotected side or edge which was 6 feet or more above a lower level was not protected from falling by the use of guardrails, safety nets, or a personal fall arrest system :

Roof of building ----- On May 26, 2011 two employees installing synthetic stucco/EIFS on the northwest side of the roof of the building approximately 18.5 feet high were not protected from falling by any means.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$1,500.00

Safety Order 1 Item 4 Type of Violation: **Serious**

29 CFR 1926.503(c)(3) : The employer did not retrain employees in fall protection when inadequacies in an affected employees knowledge indicated that the employees had not retained the requisite understanding and skill needed:

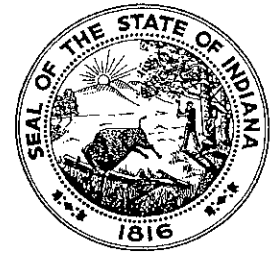
Roof of building ----- On May 26, 2011 two employees installing synthetic stucco/EIFS on the northwest side of the roof of the building approximately 18.5 feet high without being protected from falling had not been retrained in fall protection.

Date By Which Violation Must be Abated: 08/08/2011
Proposed Penalty: \$1,500.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049775
Inspection Dates: 05/26/2011 - 05/27/2011
Issuance Date: 06/21/2011



Safety Order and Notification of Penalty

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North, Hampton Inn, Evansville, IN 47711

Safety Order 2 Item 1 Type of Violation: **Nonserious**

29 CFR 1926.503(b)(1): The employer did not verify fall protection training by preparing a written certification record:

Job site ----- On May 26, 2011 and before, the employer had no records or other written certification of fall protection training conducted with employees.

Date By Which Violation Must be Abated:

08/08/2011

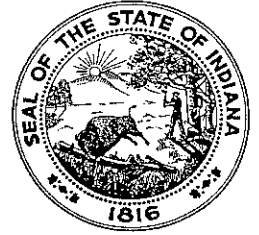
Proposed Penalty:

\$0.00

Jerry W. Lantler
Director of Construction Safety Compliance

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: (317) 232-1979 FAX: (317) 233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: Milestone Construction Company Inc.
Inspection Site: 5701 Highway 41 North, Hampton Inn, Evansville, IN 47711
Issuance Date: 06/21/2011

Summary of Penalties for Inspection Number 315049775

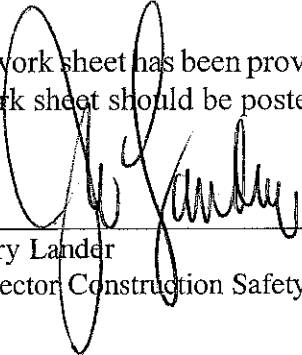
Safety Order 01, Serious	=	\$4,950.00
Safety Order 02, Nonserious	=	\$0.00
Total Proposed Penalties		\$4,950.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA 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.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).



Jerry Lander
Director Construction Safety Compliance

Date 6/21/11