



# INDIANA

## DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR  
*David Redden, Commissioner*  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

### Notification of Failure to Correct Violations

**To:**  
Pro Wake Watersports  
and its successors  
4780 N State Rd 13  
Leesburg, IN 46538

**Inspection Site:**  
4780 N State Rd 13  
Leesburg, IN 46538

**Original Inspection Number:** 318112554  
**Original Inspection Date(s):** 02/04/2020 - 02/04/2020

**Inspection Number:** 1636124  
**Inspection Date(s):** 11/29/2022 - 01/05/2023  
**Issuance Date:** 03/01/2023

*The violation(s) described in this Notification of Failure to Correct 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 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 Federal 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 identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the safety order. For **Knowing** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the safety order is classified as **Serious** and the safety order states that the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the



# INDIANA

## DEPARTMENT OF LABOR

**ERIC J. HOLCOMB, GOVERNOR**  
**David Redden, Commissioner**  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

safety order indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

For each safety order where you do not 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 29 CFR 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 citation 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 Narrative on the remittance.



# INDIANA

## DEPARTMENT OF LABOR

**ERIC J. HOLCOMB, GOVERNOR**  
*David Redden, Commissioner*  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

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

### NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Notification of Failure to Correct Violations issued on 03/01/2023.

The informal conference will be held:

\_\_\_\_\_ Virtually/Telephonically via Microsoft Teams

Call-in Number: \_\_\_\_\_

Conference ID: \_\_\_\_\_

\_\_\_\_\_ In-person at the Indiana Department Labor, located at the following address:

402 West Washington Street, Room W195

Indianapolis, Indiana 46204

Meeting/Conference Room: \_\_\_\_\_

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



**Notification of Failure to Correct Violation**

**Original Inspection Number:** 318112554  
**Original Inspection Date(s):** 02/04/2020 - 02/04/2020

**Inspection Number:** 1636124  
**Inspection Date(s):** 11/29/2022 - 01/05/2023  
**Issuance Date:** 03/01/2023

**Company Name:** Pro Wake Watersports  
**Inspection Site:** 4780 N State Rd 13, Leesburg, IN 46538

---

Safety Order 1 Item 1 Type of Violation: **Failure to Correct-Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

Facility - Employees were required to wear a 3M full-face respirator with 3M organic vapor/gas filter cartridge when using muriatic acid to clean the exterior of boats.

The employer shall include in the program the following provisions of this section, as applicable:

- (i) Procedures for selecting respirators for use in the workplace;
- (ii) Medical evaluations of employees required to use respirators;
- (iii) Fit testing procedures for tight-fitting respirators;
- (iv) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
- (v) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
- (vi) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;
- (vii) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- (viii) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
- (ix) Procedures for regularly evaluating the effectiveness of the program.

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



**Notification of Failure to Correct Violation**

**Original Inspection Number:** 318112554  
**Original Inspection Date(s):** 02/04/2020 - 02/04/2020

**Inspection Number:** 1636124  
**Inspection Date(s):** 11/29/2022 - 01/05/2023  
**Issuance Date:** 03/01/2023

**Company Name:** Pro Wake Watersports  
**Inspection Site:** 4780 N State Rd 13, Leesburg, IN 46538

---


**FAILURE TO CORRECT**

On November 29, 2022, a follow-up inspection determined that employees required to wear a respirator were not medically evaluated. For a period of thirty (30) or more days, including (30) days from April 21, 2020, the employer failed to medically evaluate employees as required by the terms of the Safety Order and Notification of Penalty issued in re-inspection of Pro Wake Watersports and its Successors, Inspection No. 318120151, part of the safety order issued to the employer on April 1, 2020, and the Final Order resulting therefrom.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Additional Penalty:**

**\$24,000.00**

  
\_\_\_\_\_  
**Jameon Berry**  
IOSHA Director



# INDIANA

## DEPARTMENT OF LABOR

**ERIC J. HOLCOMB, GOVERNOR**  
*David Redden, Commissioner*  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

---

## INVOICE / DEBT COLLECTION NOTICE

---

**Company Name:** Pro Wake Watersports  
**Inspection Site:** 4780 N State Rd 13, Leesburg, IN 46538  
**Issuance Date:** 03/01/2023

**Summary of Penalties for Inspection Number:** 318112554  
**Follow-up Inspection Number:** 1636124

Safety Order 1 Item 1, FTC-Serious \$24,000.00

**TOTAL PROPOSED PENALTIES:** \$24,000.00

---

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: "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, money order or electronic payment for less than full amount due, and will process the payments as if these restrictions or conditions 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 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 to 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



# INDIANA

## DEPARTMENT OF LABOR

**ERIC J. HOLCOMB, GOVERNOR**  
**David Redden, Commissioner**  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

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.

**Jameson Berry**  
IOSHA Director

3/1/2023

Date