

SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Fairmont Homes, Inc, (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 313912081 issued to the Employer on April 27, 2010 in the following manner.

SAFETY ORDER 01:

- Item 1: Upheld,
- Item 2: Upheld, grouped with Item 1, penalty deleted, abatement date to 6/28/10
- Item 5: Deleted, penalty deleted
- Item 6: Upheld, abatement to 6/28/10
- Item 7: Deleted, penalty deleted
- Item 8: Upheld, penalty amended to \$2,450.00
- Item 9: Upheld, grouped with Item 8, penalty deleted
- Item 10: Upheld, grouped with Item 8, penalty deleted
- Item 11: Upheld,
- Item 12~~2~~₁₀: Upheld, grouped with Item 11, penalty deleted

SAFETY ORDER 02:

- Item 4: Penalty deleted

Except for the above specified amendments all other provisions of Safety Order Number 1 and Safety Order Number 2 are retained intact.

The TOTAL AGREED PENALTY is \$10,500.00

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 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.

FAIRMONT HOMES, INC.

COMMISSIONER OF LABOR

By:

[Handwritten Signature]

By:

[Handwritten Signature]

Title:

President

Title:

Director

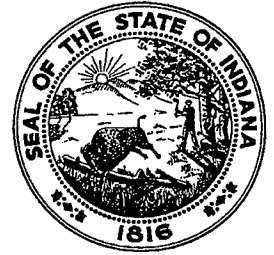
Date:

5-06-10

Date:

5-12-10

Indiana Department of Labor
Indiana Occupational Safety and Health Association
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-8509



certified mail # 7003 1010 0003 5730 8125 4-27-10 jls

Safety Order and Notification of Penalty

To: Fairmont Homes, Inc.,
and its successors
P.O. Box 27
Nappanee, IN 46550

Inspection Number: 313912081
Inspection Date(s): 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010

Inspection Site:

502 S. Oakland Ave.
Nappanee, IN 46550

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.

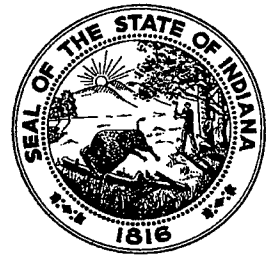
Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has 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.



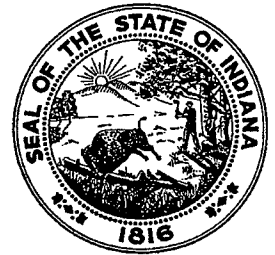
NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 04/26/2010. 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
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to broken bones, death from falls.

Plt 05, Decking work station - Decking employee was standing on the platform top railing with no fall protection.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to conduct additional training in proper fall protection procedures with documentation.

Date By Which Violation Must be Abated:	05/28/2010
Proposed Penalty:	\$1,750.00

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

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

- a) Plt 5, work platforms - The elevated work platforms used on the sides of homes had side railing 24 inches high.
- b) Plt 5, Roof decker mezzanine - The chains used as safety railings were sagging to 26 inches above the floor.
- c) Plt 5, work platforms - The ends of the elevated work platforms used on the sides of homes had the ends open.
- d) Plt 5, mobile work platform - The mobile work platform in the decking area had the side railings lower than 42 inches and the ends open.

Date By Which Violation Must be Abated:	05/28/2010
Proposed Penalty:	\$1,750.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

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 3a Type of Violation: **Serious**

29CFR1910.38 (c) Minimum elements of an emergency action plan must contain, 1) procedures to report a fire or other emergency, 2) procedures to evacuate and route assignments, 3) procedures for employees who remain behind to perform assigned assignments prior to evacuating, 4) procedures to account for all employees, 5) procedures for employees who perform rescue or medical duties and 6) names of employees to contact for information about the plan or explanation of their duties.

Plantwide, all plants - The emergency action program did not contain all required elements including a description of the various alarms used.

Date By Which Violation Must be Abated: 05/28/2010
Proposed Penalty: \$1,050.00

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

29CFR1910.39 (b) A fire prevention plan must be in writing, be kept in the workplace, and be made available to employees for review.

Plantwide, all locations - The employer did not develop and implement a written fire prevention plan.

Date By Which Violation Must be Abated: 05/28/2010

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

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

29 CFR 1910.110(f)(2)(i): LP gas container(s) in storage were not located so as to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons:

- a) Outside Plt.8 South side - There were 10 LP compressed gas cylinders stored in an open rack unprotected from damage or tampering.
- b) Plt 8, crib area - There was a small LP cylinder stored in a flammable materials cabinet unprotected from tampering.
- c) Office area Parking lot - There was an LP compressed gas cylinder stored unprotected from damage or tampering with no safety cap.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,050.00

Safety Order 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.151(b): There was neither an infirmary, clinic, or hospital used for the treatment of all injured employees in near proximity to the workplace nor a person or persons adequately trained to render first aid:

All plants - There were no trained first responders available when outside services could be delayed.

Date By Which Violation Must be Abated:	05/28/2010
Proposed Penalty:	\$1,400.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

Safety Order 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.178(a)(4): Modifications or additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

Plt 5, floor building - There were trailer lifting devices used on the Yale fork truck which were not approved by the manufacturer.

Date By Which Violation Must be Abated: 05/28/2010
Proposed Penalty: \$1,050.00

Safety Order 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.179(j)(2)(iv): Monthly inspections of hoist chains, with signed reports, were not performed:

Plants 05 and 08 - There were no monthly inspections of the hoist chains with signed and dated reports.

Date By Which Violation Must be Abated: 05/28/2010
Proposed Penalty: \$1,400.00

Safety Order 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by: rotating saw blade.

Plt 5, Maintenance area - The Ramco horizontal saw had the unused portion of the blade unguarded.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$1,400.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

Safety Order 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.212(a)(5): Fan blade guard(s) were not provided where the periphery of the blades was less than seven feet from the floor or working level:

Plt 5, floor building - The compressor fan blade was not guarded on the outside when the fan is running and the vent vanes open.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,400.00

Safety Order 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.213(h)(1): The sides of the lower exposed portion of the blade of radial saw(s) were not guarded to the full diameter of the blade by a device that automatically adjusted itself to the thickness of the stock and remained in contact with the material being cut:

Plt 5, Mill room - The Rockwell radial arm saw, #208, had the right side improperly guarded.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,400.00

Safety Order 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(ii): Enclosures or guards for electric equipment in locations where it would be exposed to physical damage were not arranged and of a strength to prevent such damage to the equipment:

Plt 5, floor building - The Square D I-line panelboard had a cover missing exposing live bare parts.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,750.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

Safety Order 1 Item 12 Type of Violation: **Serious**

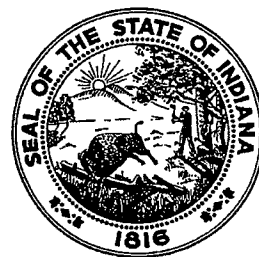
29CFR1910.304 (g)(5) The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective.

- a) Plt 5, decking area - There was no GFCI grounding protection for the sump pump used in a wet area.
- b) Recycle building - The microwave oven did not have a path to ground.
- c) Plt 8, Door 4 area - A water fountain was energized using a non-GFCI protected outlet within 3 feet of the fountain.
- d) Plt 8, North wall - A water fountain was energized using a non-GFCI protected outlet within 3 feet of the fountain.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,750.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Napanee, IN 46550

Safety Order 2 Item 1 Type of Violation: **Non-serious**

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained, so far as possible, in a dry condition:

Plt 5, decking area - There was water on the floor in the area plastic tubs are pumped out.

Date By Which Violation Must be Abated: 05/28/2010
Proposed Penalty: \$.00

Safety Order 2 Item 2 Type of Violation: **Non-serious**

29 CFR 1910.22(a)(3): To facilitate cleaning, floor(s), working place(s), and passageway(s) were not kept free from protruding nails, splinters, holes, or loose boards:

Plt 5, axle assembly mezzanine - There were floor openings extending the length of the floor along the South wall.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$.00

Safety Order 2 Item 3 Type of Violation: **Non-serious**

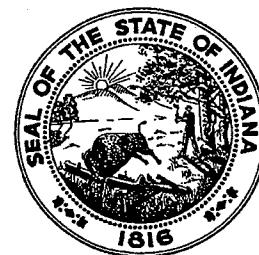
29 CFR 1910.26(a)(3)(vii): The bottoms of the four rails of portable metal step ladder(s) were not supplied with insulating nonslip material:

Recycle building - The Blue Ribbon step ladder did not have the proper non-slip pad on the right front rail.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

Safety Order 2 Item 4 Type of Violation: **Non-serious**

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

Plt 5, floor building - The mens restroom on the West side of the plant was not sanitary.

Date By Which Violation Must be Abated: 05/28/2010
Proposed Penalty: \$700.00

Safety Order 2 Item 5 Type of Violation: **Non-serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

Plt 8, dock 2 area - The Fendall eyewash station did not have a record of the solution changes.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

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 2 Item 6a Type of Violation: **Non-serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

Plt 5, compressor room - The location of the fire extinguisher was not marked.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$700.00

Safety Order 2 Item 6b Type of Violation: **Non-serious**

29 CFR 1910.157(e)(2): Portable fire extinguishers were not visually inspected at least monthly:

Plt 5, compressor room - The fire extinguisher had not been inspected monthly, last inspection was 10/09.

Date By Which Violation Must be Abated:	Corrected During Inspection
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Safety Order 2 Item 6c Type of Violation: **Non-serious**

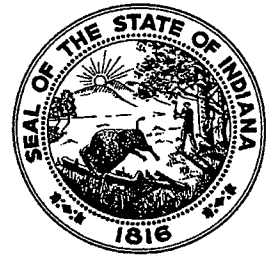
29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

Recycle building - The two fire extinguishers in the building were not inspected on an annual basis.

Date By Which Violation Must be Abated:	Corrected During Inspection
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Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

Safety Order 2 Item 7 Type of Violation: **Non-serious**

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

Plt 8, door 2 area - The storage rack near post 14 had the right front leg damaged.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$.00

Safety Order 2 Item 8 Type of Violation: **Non-serious**

29 CFR 1910.213(h)(4): Radial saw(s) were not installed in a manner so as to cause the cutting head to return gently to the starting position when released by the operator:

Plt 8, North side - The Doerr radial arm saw did not return to the start position when released.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313912081
Inspection Dates: 03/22/2010 - 03/30/2010
Issuance Date: 04/27/2010



Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

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 2 Item 9a Type of Violation: **Non-serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

Plt 8, door 31 area - A junction box with partially open knockouts was used at the end of a 110 volt drop cord.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$700.00**

Safety Order 2 Item 9b Type of Violation: **Non-serious**

29CFR1910.303 (b)(7)(i) Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed.

Plt 5, floor building - The junction box with a 110 volt outlet on the West wall had the knockout on the right side open.

Date By Which Violation Must be Abated: **Corrected During Inspection**

Safety Order 2 Item 9c Type of Violation: **Non-serious**

29CFR1910.303 (e)(1)(ii) Electric equipment may not be used unless the following markings have been placed on the equipment: markings giving voltage, current, wattage, or other ratings as necessary.

a) Plt 5, compressor room - The Square D load center had breakers #26 and 28 unmarked as to purpose.

b) Plt 5, rest room area - The Square D load center, P2, had breakers unmarked as to purpose.

Date By Which Violation Must be Abated: **Corrected During Inspection**

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550

Safety Order 2 Item 9d Type of Violation: **Non-serious**

29 CFR 1910.303(g)(1)(ii): Working space about electric equipment rated 600 volts, nominal, or less was used for storage:

Plt 5, compressor room - The area in front of the Square D load center was used for storage.

Date By Which Violation Must be Abated:

Corrected During Inspection

Safety Order 2 Item 10 Type of Violation: **Non-serious**

29 CFR 1910.305(b)(2): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

Plt 5, Station 20 - The junction box on the hoist motor for the work platform did not have a cover.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$.00

Safety Order 2 Item 11 Type of Violation: **Non-serious**

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

Plt 5, compressor room - There were two bottles of liquids not marked as to contents or hazards.

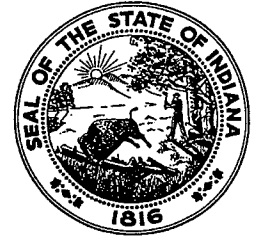
Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$.00



Robert A. Kattau

Indiana Department of Labor
Indiana Occupational Safety and Health Association
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-8509



INVOICE/DEBT COLLECTION NOTICE

Company Name: Fairmont Homes, Inc.
Inspection Site: 502 S. Oakland Ave., Nappanee, IN 46550
Issuance Date: 04/27/2010

Summary of Penalties for Inspection Number 313912081


Safety Order 01, Serious	=	\$17,150.00
Safety Order 02, Non-serious	=	\$2,100.00
Serious		
Total Proposed Penalties		\$19,250.00

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).



Robert A. Kattau
Director, Industrial Compliance

4-27-10

Date