

# SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and *Tieken & Tieken Construction 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. *318095114* issued to the Employer on *July 2, 2018*, in the following manner.

## SAFETY ORDER 01:

Item 1: Upheld; penalty reduced to \$ 375.00, *abatement has been modified to September 2, 2018.*

Item 2: Upheld; penalty reduced to \$ 500.00, *abatement has been modified to August 2, 2018.*

Item 3a, b & c: Upheld; penalty reduced to \$ 500.00, *abatement has been modified to August 2, 2018.*

Item 4 and Item 5: Upheld; *GROUP violations*, penalty reduced to \$ 500.00, *abatement has been verified on June 26, 2018.*

Item 6, 8 & 9: Upheld; *GROUP violations* penalty reduced to \$ 1,250.00, *abatement has been verified on June 26, 2018.*

Item 7: Upheld; penalty reduced to \$ 500.00, *abatement has been verified on June 26, 2018.*

Item 10 and Item 11: Upheld; *GROUP violations*, penalty reduced to \$ 1,250.00, *abatement has been verified on June 26, 2018.*

Item 12 and Item 13: Upheld; *GROUP violations* penalty reduced to \$ 1,250.00, *abatement has been verified on June 26, 2018.*

Item 14: Upheld; penalty reduced to \$ 1,250.00, *abatement has been modified to August 2, 2018.*

## In exchange, The Employer agrees:

1. *Train all employee(s) who have a safety responsible in a limited scope Construction Scaffold and Electrical safety course, within thirty (30) days of signed Settlement Agreement. Also provide Competent Person training for supervisors.*
2. *Use the services of IDOL INSafe or an entity of your choice to conduct the training and develop their Safety and Health programs within sixty (60) days of signed Settlement Agreement.*
3. *The Employer shall provide an agenda and the class sign in sheet to IDOL upon completion of the course.*
4. *Agreed Plan of PAYMENT: Employer may take up to a total of [3] consecutive months to pay the total agreed penalty. Employer shall make two payment of at least [\$ 2,458.33] and one payment of at least [\$ 2,458.34] each consecutive month until the total agreed penalty of [\$ 7,375.00] is paid in full; the first payment being due with Employer's execution of this Agreement. Subsequent payments shall be due by the 2<sup>th</sup> day of each consecutive month until said penalty is paid in full.*

Employer 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 *318095114* are retained intact.

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

*Unless otherwise specified herein, 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 Employer fails to make timely payments or fails to pay the full total agreed penalty as stated herein, 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, minus any payments already made, is due and payable immediately to the Indiana Department of Labor. The Commissioner may use every legal remedy available to collect such unpaid amount, interest shall begin to accrue on said unpaid amount at the rate of 12% apr compounded daily, and the Commissioner may collect legal fees from the Employer for any collection action that may be necessary.*

*Please make your check or money order payable to "Indiana DOL/IOSHA," indicate IOSHA's Inspection Number (indicated above) on your remittance, and send payments to the following address:*

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

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.

*Tieken & Tieken Construction Inc*

By: Walter Kay Title: Safety

Consultant \_\_\_\_\_

Date: July 2, 2018 12:20 PM

COMMISSIONER OF LABOR

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: 7 2 18

# 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)233-3790



*Certified Mail # 7016 3010 0001 0287 7652 6-8-18 jfo*

## Safety Order and Notification of Penalty

**To:**  
Tieken & Tieken Construction INC  
1145 S. Odell Street  
Brownsburg, IN 46112

**Inspection Number:** 318095114  
**CSHO ID:** X4033  
**Optional Report No.:** 00618  
**Inspection Date(s):** 2/22/2018 - 3/29/2018  
**Issuance Date:** 6/8/2018

**Inspection Site:**  
19 N Oxford Street  
Indianapolis, IN 46201

*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.

## Indiana Department of Labor

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

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 6/8/2018. 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:** 318095114  
**Inspection Date(s):** 2/22/2018 - 3/29/2018  
**Issuance Date:** 6/8/2018  
**CSHO ID:** X4033  
**Optional Report No.:** 00618

**Safety Order and Notification of Penalty**

**Company Name:** Ticken & Ticken Construction INC  
**Inspection Site:** 19 N Oxford Street, Indianapolis, IN 46201

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**Safety Order 01 Item 001**                      Type of Violation: **Serious**

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

On the jobsite - located at 19 N. Oxford Street, Indianapolis, Indiana 46201 - On <sup>Feb 28</sup> ~~December~~ 4, 2017, during construction activities, the employer had not developed, implemented, or enforced an accident prevention safety and 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.

**Date By Which Violation Must Be Abated:** 7/26/2018  
**Proposed Penalty:** \$750.00



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

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**Safety Order 01 Item 002**                      Type of Violation: **Serious**

29 CFR 1926.20(b)(2): Inspections of the jobsite, materials, and equipment were not made by a competent person designated by the employer:

On the jobsite - located at 19 N Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, I observed during construction activities, inspections of the jobsite, materials, and equipment was not performed by a competent person where employees were exposed to scaffold and electrical hazards.

**Date By Which Violation Must Be Abated:**                      **7/26/2018**  
**Proposed Penalty:**    **\$1,000.00**

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

**Inspection Number:** 318095114  
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Safety Order 01 Item 003a**                      Type of Violation: **Serious**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

On the jobsite - located at 19 N Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, I observed employees were not instructed in the recognition and avoidance of unsafe conditions applicable to their work environment such as but not limited to those connected with Electrical hazards.

**Date By Which Violation Must Be Abated:**                      **7/26/2018**  
**Proposed Penalty:**    **\$1,000.00**

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

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**Safety Order 01 Item 003b**                      Type of Violation: **Serious**

The employer did not have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazard associated with the work in question:

On the jobsite - located at 19 N. Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, during construction activities, 2 employees engaged in performing work, while in a boom basket, had not been trained by a competent person.

**Date By Which Violation Must Be Abated:**                      **7/26/2018**  
**Proposed Penalty:**    **\$0.00**

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

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**Issuance Date:** 6/8/2018  
**CSHO ID:** X4033  
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**Safety Order and Notification of Penalty**

**Company Name:** Ticken & Ticken Construction INC  
**Inspection Site:** 19 N Oxford Street, Indianapolis, IN 46201

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**Safety Order 01 Item 003c**                      Type of Violation: **Serious**

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

On the jobsite, located at 19 N. Oxford Street, Indianapolis, Indiana 46201, On February 22, 2018, during construction activities, the employer allowed employees to work in an aerial lift that was approximately 36 feet above the lower landing surface, and did not assure that the employees were trained to recognize the hazards associated with falls.

**Date By Which Violation Must Be Abated:**                      **7/26/2018**  
**Proposed Penalty:**    **\$0.00**

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

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**Company Name:** Ticken & Ticken Construction INC  
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**Safety Order 01 Item 004**                      Type of Violation: **Serious**

29 CFR 1926.403(b)(1): Employer did not ensure that electrical equipment is free from recognized hazards that are likely to cause death or serious physical harm to employees:

On the Jobsite, located at 19 N. Oxford Street, Indianapolis, Indiana 46201, On February 22, 2018, during construction activities, I observe Employer did not insure that the electrical equipment consisting of 1 orange, 100' extension cord, a plastic outlet box that is broken, a Bosch Reciprocating Saws and a Dewalt Circular Saw, was free from recognized hazards that were likely to cause death or serious phisycal harm to employees.

**Date By Which Violation Must Be Abated:**                      **7/5/2018**  
**Proposed Penalty:**    **\$2,500.00**

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

**Inspection Number:** 318095114  
**Inspection Date(s):** 2/22/2018 - 3/29/2018  
**Issuance Date:** 6/8/2018  
**CSHO ID:** X4033  
**Optional Report No.:** 00618

**Safety Order and Notification of Penalty**

**Company Name:** Ticken & Ticken Construction INC  
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**Safety Order 01 Item 005**                      Type of Violation: **Serious**

29 CFR 1926.403(b)(2): Listed, labeled, or certified equipment was not installed and used in accordance with instructions included in the listing, labeling, or certification:

Jobsite located at 19 N. Oxford Street, Indianapolis, Indiana 46203- On February 22, 2018, during construction activities, I observed 2 employees using a gray plastic electrical outlet box that was not installed and/or used in accordance with the listing, labeling and/or certification of the item, in that the gray plastic electrical outlet box that has a large piece broken out of the corner, missing the cover plate and is connected to a breaker box that is laying on the ground and not secured to a fixed location.

**Date By Which Violation Must Be Abated:**                      **7/5/2018**  
**Proposed Penalty:**    **\$2,500.00**

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

**Inspection Number:** 318095114  
**Inspection Date(s):** 2/22/2018 - 3/29/2018  
**Issuance Date:** 6/8/2018  
**CSHO ID:** X4033  
**Optional Report No.:** 00618

**Safety Order and Notification of Penalty**

**Company Name:** Ticken & Ticken Construction INC  
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**Safety Order 01 Item 006**                      Type of Violation: **Serious**

29 CFR 1926.405(a)(2)(ii)(I): Protection was not provided to avoid damage to flexible cords and cables used for temporary wiring which passed through doorways or other pinch points:

Jobsite - located at 19 N Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, during construction activities, I observed protection to avoid damage was not provided for the, Type NM-B, 12/2 with ground wire, 600 volts, CIRTEX-1, (UL), 10-03-01, KP/6P, flexible electrical cord that passed between and is being pinched by the High Density Mineral Board and the concrete floor.

**Date By Which Violation Must Be Abated:**                      **7/5/2018**  
**Proposed Penalty:**    **\$2,500.00**

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

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**Issuance Date:** 6/8/2018  
**CSHO ID:** X4033  
**Optional Report No.:** 00618

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**Safety Order 01 Item 007**                      Type of Violation: **Serious**

29 CFR 1926.405(b)(2): In energized installations each outlet box did not have a cover, face plate, or fixture canopy:

Jobsite - located at 19 N Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, during construction activities, I observed no face plate was installed on the energized outlet box used by employees with 2 - 110 volt dual outlets, 1 - outlet is a ground fault circuit interrupter style and the other is a regular dual plug outlet, mounted in it and having a gap large enough for a finger or thumb to enter along one side.

**Date By Which Violation Must Be Abated:**                      **7/5/2018**  
**Proposed Penalty:**    **\$2,500.00**



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

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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 008**                      Type of Violation: **Serious**

29 CFR 1926.405(g)(2)(iii): Flexible cords were not used in continuous lengths without splice or tap:

On February 22, 2018, located at 19 N Oxford Street, Indianapolis, Indiana 46201, during construction activities, I observed the extension cord is a round 2 wire, blue, approximately a 50' in length extension cord with a splice was not used in continuous length.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$2,500.00**

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

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**Issuance Date:** 6/8/2018  
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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 009**                      Type of Violation: **Serious**

29 CFR 1926.405(g)(2)(iv): Flexible cords were not connected to devices and fittings so that strain relief is provided to prevent pull from being directly transmitted to joints or terminal screws:

Jobsite - located at 19 N. Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, during construction activities, I observed the cord grip at the female end of the, 100' orange, round 12/3 type, SJTW flexible electrical extension cord and on the tool end of the Dewalt circular saw, DWE575, serial# 291936, type 1, 120 volt, 15A, was not gripping the cord cover.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$2,500.00**

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Occupational Safety and Health Administration

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**Safety Order 01 Item 010**                      Type of Violation: **Serious**

29 CFR 1926.405(j)(1)(i): Fixtures, lampholders, lamps, rosettes, or receptacles had live parts normally exposed to employee contact:

On the Jobsite - located at 19 N. Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, during construction activities, I observed the 120 volt 15/20 amp receptacle in the plastic box did not have a cover and had exposed wires on the side of the receptacle and 1/4 inch gap between the edge of the box and the receptacle.

**Date By Which Violation Must Be Abated:**                      **7/5/2018**  
**Proposed Penalty:**    **\$2,500.00**

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

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**Safety Order 01 Item 011**                      Type of Violation: **Serious**

29 CFR 1926.405(j)(1)(ii): Fixtures, lampholders, rosettes, or receptacles were not securely supported:

On February 22, 2018, On the Jobsite located at 19 N. Oxford Street, Indianapolis, Indiana 46201, during construction activities, the 120 volt 15/20 amp receptacle box was not supported and was laying on the concrete surface supplying power.

**Date By Which Violation Must Be Abated:**                      **7/5/2018**  
**Proposed Penalty:**    **\$2,500.00**

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Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

**Company Name:** Tieken & Tieken Construction INC  
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**Safety Order 01 Item 012**                      Type of Violation: **Serious**

29 CFR 1926.416(a)(1): Employees were permitted to work in proximity to electric power circuits and were not protected against electric shock by de-energizing and grounding the circuits or effectively guarding the circuits by insulation or other means:

Jobsite - located at 19 N. Oxford Street, Indianapolis, Indiana 46201, On February 22, 2018, during construction activities, I observed employees were not prohibited from working in such proximity to any part of an electrical power circuit of 120 volts, 15/20 amps, that the employee could contact the electrical power circuit in the course of work and the employee was not protected by de-energizing and grounding the circuit, insulation, or any other means.

**Date By Which Violation Must Be Abated:**                      **7/5/2018**  
**Proposed Penalty:**    **\$2,500.00**

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

**Inspection Number:** 318095114  
**Inspection Date(s):** 2/22/2018 - 3/29/2018  
**Issuance Date:** 6/8/2018  
**CSHO ID:** X4033  
**Optional Report No.:** 00618

**Safety Order and Notification of Penalty**

**Company Name:** Tieken & Tieken Construction INC  
**Inspection Site:** 19 N Oxford Street, Indianapolis, IN 46201

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**Safety Order 01 Item 013**                      Type of Violation: **Serious**

29 CFR 1926.416(e)(1): Worn or frayed electric cords or cables were used:

Jobsite - located at 19 N. Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, during construction activities, I observe, employees using a 50' orange, round 12 gauge, 3 wire type, SJTW flexible electrical extension cord that has worn or frayed insulation along the length of the cord and near the female end of the cord, connected to a 120 volt power source and providing power to a Dewalt, Serial #291936, DWE 575, 7-1/4", Type 1, 120V, 50/60Hz, 15A Circular Saw, was not prevented from being used or properly removed from service.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$2,500.00**

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

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**Optional Report No.:** 00618

**Safety Order and Notification of Penalty**

**Company Name:** Ticken & Ticken Construction INC  
**Inspection Site:** 19 N Oxford Street, Indianapolis, IN 46201

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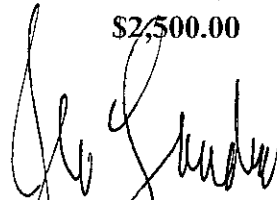
**Safety Order 01 Item 014**                      Type of Violation: **Serious**

29 CFR 1926.453(b)(2)(v): A body belt and a lanyard attached to the boom or basket, when working from an aerial lift:

Jobsite - located at 19 N. Oxford Street, Indianapolis, Indiana 46201 - On February 22, 2018, during construction activities, I was informed by employees working at heights of up to 36 feet high in the basket of the JLG, Model #600AJ, Serial # 0300073233, Model Year 2003, aerial lift were not wearing any fall protection.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**7/5/2018**  
**\$2,500.00**

  
Jerry W. 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)233-3790



## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** Tieken & Tieken Construction INC  
**Inspection Site:** 19 N Oxford Street, Indianapolis, IN 46201  
**Issuance Date:** 6/8/2018

**Summary of Penalties for Inspection Number: 318095114**

**Safety Order 1, Serious** = \$30,250.00  
**TOTAL PENALTIES** = \$30,250.00

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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).

  
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Jerry W. Lander  
Director of Construction Safety

  
\_\_\_\_\_  
Date