

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 # 70031016 0003 5730 8912 5-20-10 JH*

## Safety Order and Notification of Penalty

<b>To:</b>	<b>Inspection Number:</b>	313904039
Gibraltar Mausoleum Construction, and its successors 2 N. Shore Center Attn: Jim Cessna Pittsburgh, PA 15212	<b>Inspection Date(s):</b>	02/26/2010 - 03/01/2010
	<b>Issuance Date:</b>	05/20/2010

**Inspection Site:**

7500 N. Clinton Street  
Roselawn Memorial Park  
Terre Haute, IN 47805

*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 05/20/2010. 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**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 313904039  
**Inspection Dates:** 02/26/2010 -  
03/01/2010  
**Issuance Date:** 05/20/2010



**Safety Order and Notification of Penalty**

**Company Name:** Gibraltar Mausoleum Construction  
**Inspection Site:** 7500 N. Clinton Street, Roselawn Memorial Park,  
Terre Haute, IN 47805

**Safety Order 1 Item 1 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:

Job site ----- On 02/26/10 and before, 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

<b>Date By Which Violation Must be Abated:</b>	<b>07/08/2010</b>
<b>Proposed Penalty:</b>	<b>\$1,750.00</b>

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

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

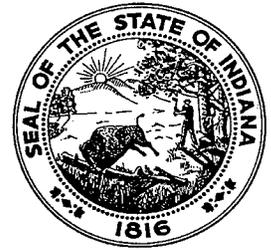
Job site ----- On 02/26/10 and before, the employers competent person on site, failed to identify existing and predictable hazards and/or take the necessary measures to correct hazards where employees were exposed to falls, scaffolding, and electrical hazards.

<b>Date By Which Violation Must be Abated:</b>	<b>07/08/2010</b>
<b>Proposed Penalty:</b>	<b>\$1,750.00</b>

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**Safety Order and Notification of Penalty**

**Company Name:** Gibraltar Mausoleum Construction  
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Terre Haute, IN 47805

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****

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

Job site ----- On 02/26/10 and before, employees were not instructed, or adequately instructed, in the regulations applicable to their work and on recognizing hazards related to their work, such as, but not limited to, those connected with scaffolds, falls, and electrical hazards.

**Date By Which Violation Must be Abated:** 07/08/2010  
**Proposed Penalty:** \$1,750.00

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

29 CFR 1926.454(a) : The employer did not have each employee who performs work while on a scaffold trained by a qualified person to recognize any hazard associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards:

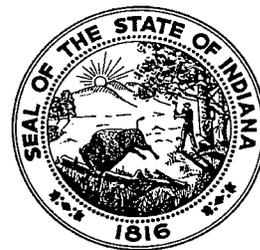
Job site ----- On 02/26/10 and before, employees working from the 20 foott 8 inch high, 5 foot wide, 7 feet long fabricated frame/mobile scaffold with the missing braces, casters and wheels not locked, not properly braced and other deficiencies, had not been trained in the scaffold regulations and on recognizing hazards associated with such.

**Date By Which Violation Must be Abated:** 07/08/2010  
**Proposed Penalty:** \$0.00

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**Safety Order and Notification of Penalty**

**Company Name:** Gibraltar Mausoleum Construction  
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Terre Haute, IN 47805

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

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

Roof ----- On 02/26/10 and before, the employer did not provide a fall protection training program for employees laying block at the edge of the 17 feet high roof without any type of fall protection.

**Date By Which Violation Must be Abated:** 07/08/2010  
**Proposed Penalty:** \$0.00

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Indiana Occupational Safety and Health  
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03/01/2010  
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**Safety Order and Notification of Penalty**

**Company Name:** Gibraltar Mausoleum Construction  
**Inspection Site:** 7500 N. Clinton Street, Roselawn Memorial Park,  
Terre Haute, IN 47805

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

29 CFR 1926.404(b)(1)(i): Employer did not use either ground fault circuit interrupters as specified in paragraph (b)(1)(ii) of this section, or an assured equipment grounding conductor program as specified in paragraph (b)(1)(iii) of this section to protect employees on construction sites:

South side of job ----- On 02/26/10 the 15/20 amp 120 volt permanent receptacle outlet being used with a Dewalt 1/2 inch drill, a blue 12/3 extension cord and a 100 foot yellow 12/3 SJTW extension cord was not ground fault circuit interrupter protected and an assured equipment grounding conductor program was not in place.

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

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03/01/2010  
**Issuance Date:** 05/20/2010



**Safety Order and Notification of Penalty**

**Company Name:** Gibraltar Mausoleum Construction  
**Inspection Site:** 7500 N. Clinton Street, Roselawn Memorial Park,  
Terre Haute, IN 47805

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 5a Type of Violation: **Serious****

29 CFR 1926.451(c)(1) : Supported scaffolds with a height to base width ratio of more than four to one (4:1) were not restrained from tipping by guying, tying, bracing, or other equivalent means :

South side ----- On 02/26/10 and before, outriggers were not installed on the 20 feet 8 inch high, 5 foot wide, 7 feet long fabricated frame/mobile scaffold and the scaffold tower was not otherwise restrained from tipping by guying, tying or bracing.

**Date By Which Violation Must be Abated:** 06/16/2010  
**Proposed Penalty:** \$1,750.00

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

29 CFR 1926.452(w)(1): Mobile scaffolds were not braced by cross, horizontal, or diagonal braces or a combination there of to prevent racking, or collapse, and to secure vertical members so as to automatically square and align them:

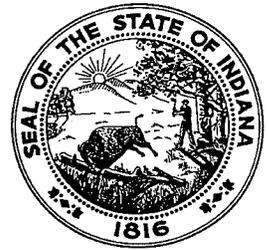
South side of building ----- On 02/26/10 and before, no diagonal/goosier brace was present and 4 of the required 8 cross braces were missing on the 20 feet 8 inch high, 5 foot wide, 7 feet long fabricated frame/mobile scaffold being used by employees to access the roof.

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

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03/01/2010  
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Terre Haute, IN 47805

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

29 CFR 1926.452(w)(2) : Mobile scaffold casters and wheels were not locked with positive wheel and swivel locks, or by equivalent means, to prevent movement of the scaffold when used in a stationary manner :

South side of building ----- On 02/26/10 and before, the wheels/casters on the 20 feet 8 inch high, 5 foot wide, 7 foot long fabricated frame mobile scaffold being used by employees to access the roof area, were not locked to prevent movement of the scaffold.

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

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

29 CFR 1926.452(w)(9): Casters stems and wheel stems were not pinned or otherwise secured in scaffold legs or adjustment screws of mobile scaffolds:

South side of building ----- On 02/26/10 and before, the 8 inch casters on the 20 feet 8 inch high, 5 foot wide, 7 feet long fabricated frame/mobile scaffold were not pinned or secured to the frame legs of the scaffold.

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

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03/01/2010  
**Issuance Date:** 05/20/2010



**Safety Order and Notification of Penalty**

**Company Name:** Gibraltar Mausoleum Construction  
**Inspection Site:** 7500 N. Clinton Street, Roselawn Memorial Park,  
Terre Haute, IN 47805

**Safety Order 1 Item 6 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 guardrail systems, safety net systems, or personal fall arrest systems:

Roof ----- On 02/26/10 and before, employees standing on the roof and laying block at the edge of the 17 foot 4 inch high roof edge, were not protected from falling by any means.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$1,000.00**

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

29 CFR 1926.701(b): All protruding reinforcing steel, onto and/or into which employees could fall or come against, was not guarded to the hazard of impalement:

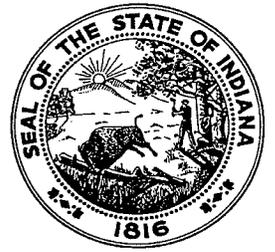
Roof ----- On 02/26/10 the 5/8 inch diameter rebar, protruding approximately 14 inches to 21 inches high above their base, located along where employee were walking/working, was not guarded in any manner to eliminate the hazard of impalement.

**Date By Which Violation Must be Abated:** **Corrected During Inspection**  
**Proposed Penalty:** **\$1,000.00**

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03/01/2010  
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**Safety Order and Notification of Penalty**

**Company Name:** Gibraltar Mausoleum Construction  
**Inspection Site:** 7500 N. Clinton Street, Roselawn Memorial Park,  
Terre Haute, IN 47805

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

29 CFR 1904.32(b)(6): The summary of the work-related injuries and illnesses (OSHA Form 300A or equivalent) for the previous year was not posted between February 1 thru April 30:

Job site ----- On 02/26/10 and before, the OSHA 300A was not posted on site.

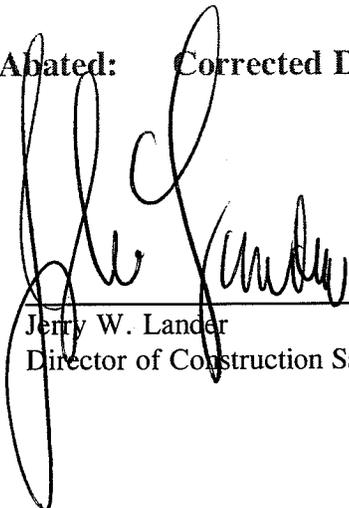
**Date By Which Violation Must be Abated:** 06/16/2010  
**Proposed Penalty:** \$500.00

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

29 CFR 1926.451(b)(1): Each platform on all working levels of the scaffold was not fully planked or decked between the front uprights and the guardrails supports:

Scaffold ----- On 03/01/10 and before, the 5 feet 8 inch high platform on the 20 feet 8 inch high, 5 foot wide, 7 feet long fabricated frame/mobile scaffold was not fully planked, in that only 19 inches of the required 60 inches width was planked.

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

  
\_\_\_\_\_  
Jerry W. Lander  
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:** Gibraltar Mausoleum Construction  
**Inspection Site:** 7500 N. Clinton Street, Roselawn Memorial Park, Terre Haute, IN 47805  
**Issuance Date:** 05/20/2010

**Summary of Penalties for Inspection Number** 313904039

<b>Safety Order 01, Serious</b>	=	\$9,750.00
<b>Safety Order 02, Nonserious</b>	=	\$500.00
<b>Total Proposed Penalties</b>		<b>\$10,250.00</b>

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

\_\_\_\_\_  
5/20/2010

Date