SETTLEMENT AGREEMENT

The Commissioner of Labor (here in after referred to as "Commissioner") and the Indiana P Q Stucco LLC, herein after referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 313700130 issued to the Employer on February 8, 2010 in the following manner.

SAFETY ORDER 01:

Item 1a, b, c, d & e: Upheld; penalty reduced to $ 454.55

Item 2a & b: Upheld; penalty reduced to $ 454.55

Item 3: Upheld; penalty reduced to $ 454.55

Item 4: Upheld; penalty reduced to $ 454.55

Item 5a, b & c: Upheld; penalty reduced to $ 454.55

Item 6: Upheld; penalty reduced to $ 454.55

Item 7: Upheld; penalty reduced to $ 454.55

Item 8: Upheld; penalty reduced to $ 454.55

Item 9: Upheld; penalty reduced to $ 454.55

Item 10: Upheld; penalty reduced to $ 454.55

Item 11: Upheld; penalty reduced to $ 454.54

Additionally the Employer agrees to train a minimum of five (5) employee who have a safety responsibility in a Limited Scope OSHA 29 CFR Construction Safety course in Scaffold Safety, along with Competent Person training. The Employer has agrees to have the training completed in two month of the signed Settlement Agreement. The Employer agrees to forward to IDOL, a signed copy of the sign in sheet and a class agenda as proof of training upon completion.
The Employer agrees to a PAYMENT PLAN: six (6) payments at $ 833.34, starting 1st April 1, 2010, 2nd May 1, 10, 3rd June 1, 10, 4th July 1, 10 5th Aug 1, 10, 6th Sept 1, 2010.

Except for the above specified amendments all other provisions of Safety Order Number 313700130 are retained intact.

The TOTAL AGREED PENALTY is $ 5000.04

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The total AGREED PENALTY is due and payable on within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

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

Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

Indiana P Q Stucco LLC

By: Proto Quinonez

Title: Indiana P.Q. Stucco LLC

Date: 2/9/10

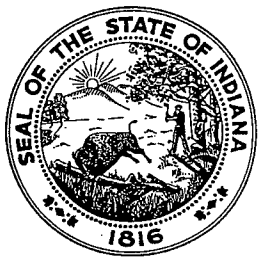
COMMISSIONER OF LABOR

By: [signature]

Title: [signature]

Date: 2/9/2010

Indiana Department of Labor
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 # 7002 0510 0003 8218 1242 1-12-10 JA

Safety Order and Notification of Penalty

To:

Indiana P Q Stucco LLC,
and its successors
325 South Oakland Avenue
Attn: Proto Quinonez
Indianapolis, IN 46201

Inspection Site:

38 West Rampart Street
Holiday Inn Express & Indoor Pool
Shelbyville, IN 46176

Inspection Number: 313700130

Inspection Date(s): 11/24/2009 - 11/30/2009

Issuance Date: 01/12/2010

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 01/12/2010. 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: 313700130
Inspection Dates: 11/24/2009 - 11/30/2009
Issuance Date: 01/12/2010

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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

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

29 CFR 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, front entry scaffolding ----- On November 24, 2009 and before, employees working from a supported masonry walk through fabricated frame scaffold without fall protection, with missing guardrails, inadequate bracing, not using proper access, not wearing hard hats, not wearing safety glasses, and who were exposed to other hazards had not been instructed in the regulations applicable to their work and on recognizing hazards related to such.

Date By Which Violation Must be Abated: **03/02/2010**
Proposed Penalty: **$1,500.00**

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

29 CFR 1926.451(f)(3) : Scaffold and scaffold components were not inspected for visible defects by a competent person before each work shift:

Job site, front entry scaffolding ----- On November 24, 2009, and before, the supported masonry walk through fabricated frame scaffold with missing base plates, inadequate foundations, footings not level, inadequate bracing, missing guard rails, and other scaffold deficiencies had not been inspected prior to work by a competent person who was capable of identifying hazards and who had been trained in the scaffolding regulations.

Date By Which Violation Must be Abated: **03/02/2010**
Proposed Penalty: **$0.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313700130
Inspection Dates: 11/24/2009 - 11/30/2009
Issuance Date: 01/12/2010

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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

29 CFR 1926.451(f)(7) : Scaffold(s) were not erected, moved, dismantled, or altered under the supervision and direction of a competent person qualified in such:

Job site, front entry scaffolding ----- On November 24, 2009 and before, the supported masonry walk through fabricated frame scaffold with missing base plates, inadequate foundations, footings not level, inadequate bracing, missing guard rails, and other scaffold deficiencies was not erected under the supervision and direction of a competent person qualified in scaffold erection.

Date By Which Violation Must be Abated: **03/02/2010**
Proposed Penalty: **$0.00**

Safety Order 1 Item 1d 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, front entry scaffolding ----- On November 24, 2009 and before, employees working from the supported masonry walk through fabricated frame scaffold with missing base plates, inadequate foundations, inadequate bracing, missing guard rails, and other scaffold deficiencies had not been trained in the scaffold regulations and on recognizing hazards associated with such, in order to control and eliminate these type hazards.

Date By Which Violation Must be Abated: **03/02/2010**
Proposed Penalty: **$0.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313700130
Inspection Dates: 11/24/2009 - 11/30/2009
Issuance Date: 01/12/2010

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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

29 CFR 1926.454(b) : 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:

Job site, front entry scaffolding ----- On November 24, 2009 and before, employees who erected the supported masonry walk through fabricated frame scaffold with missing base plates, inadequate foundations, inadequate bracing, missing guard rails, and other scaffold deficiencies had not been trained by a competent person on recognizing scaffold hazards and on the scaffold regulations which included the nature of such hazards, proper erection, loading, and other requirements.

Date By Which Violation Must be Abated: **03/02/2010**
Proposed Penalty: **$0.00**

See pages 1 through 3 of this Safety Order and Notification of Penalty for information on employer and employee rights and responsibilities.

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313700130
Inspection Dates: 11/24/2009 - 11/30/2009
Issuance Date: 01/12/2010

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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 2a Type of Violation: **Serious**

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

Job site, front entry scaffolding ----- On November 24, 2009, and before, employees working on and below the 13 foot 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold where the exterior insulation finish system activities were taking place and where there was a danger of falling objects, were not wearing hard hats.

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

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

29 CFR 1926.451(h)(1) : Employees were not protected from falling objects from scaffolds through the installation of toe boards, screens, guardrail systems, debris nets, catch platforms, or canopy structures that contained the falling objects:

Job site, front entry scaffolding ----- On November 24, 2009 and before, employees working on and below the 13 feet 4 inch to 44 feet high work platforms on the supported masonry walk through fabricated frame scaffold, were not protected from falling objects such as hammers, trowels, and other exterior insulation finish system materials by the use of toe boards, barricades, or other means to prevent employees from being struck by falling objects.

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

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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

29 CFR 1926.102(a)(1): Eye and face protective equipment was not used when machines or operations presented potential eye or face injury:

Job site, front entry scaffolding ----- On November 24, 2009, and before, eye and face protection equipment was not provided to employees cutting and sanding foam boarding, applying adhesives, applying primers, and applying finishes to the exterior insulation finish system on the exterior walls of the building.

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

Safety Order 1 Item 4 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 :

Job site, front entry scaffolding ----- On November 24, 2009 and before, the 5 feet wide, 245 feet long, and 13 feet 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold was not restrained from tipping by guying, tying, or bracing.

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

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313700130
Inspection Dates: 11/24/2009 - 11/30/2009
Issuance Date: 01/12/2010

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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)(2): The legs of the supported scaffolds were not set on plain or adjustable bases and mud sills or other foundations adequate to support the maximum rated load:

Job site, front entry scaffolding ----- On November 24, 2009 and before, the legs of the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold were set on small pieces of lumber and not set on plain or adjustable base plates and did mud sills or other foundations adequate to support the maximum rated load.

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

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

29 CFR 1926.451(c)(2)(i): On supported scaffolds, the footing or anchorage for scaffolds was not level, sound, rigid, and capable of carrying the maximum intended load without settling or displacement:

Job site, front entry scaffolding ----- On November 24, 2009 and before, the legs of the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold were set on small pieces of lumber with one scaffold tower set on the front entry roof and the footings for the scaffold were not capable of carrying the maximum intended loads.

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

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC

Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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

29 CFR 1926.451(c)(2)(ii):On supported scaffolds, unstable objects were not prevented from being used to support scaffolds or platform units:

Job site, front entry scaffolding ----- On November 24, 2009 and before, small pieces of stacked lumber were used to support some of the legs on the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold and a platform approximately 37 feet high was placed on part of the roof structure with the other end placed on stacked lumber from another platform and unstable objects were used to support both frames and platforms.

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

Proposed Penalty: **$0.00**

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

29 CFR 1926.451(e)(1) : Access was not provided to scaffold platforms more than two feet above or below points of access by ladders, stairways, stair towers, ramps, walkways, integral prefabricated scaffold access frames, or by direct access from another scaffold:

Job site, front entry scaffolding ----- On November 24, 2009 and before, employees were climbing the end frames of the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold to reach work platforms that were from 13 feet 4 inches high to 44 feet high and no ladder or other safe access to all the work platforms was provided.

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

Proposed Penalty: **$1,500.00**

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

29 CFR 1926.451(e)(5)(i) : Ramps and walkways 6 feet or more above lower levels did not have guardrail systems:

Job site, front entry scaffolding ----- On November 24, 2009 and before, ramps and walkways being used to span from work platforms to other work platforms on the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold did not have guardrail systems.

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

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

29 CFR 1926.451(g)(4)(i) : Guardrail systems were not installed along all open sides and ends of platforms :

Job site, front entry scaffolding ----- On November 24, 2009 and before, guardrails were missing from the ends and from other open sections of work platforms ranging from 13 feet 4 inches high up to 44 feet high on the 5 feet wide, 245 feet long, 13 feet 4 inch to 44 feet high fabricated frame masonry walk through scaffold and guardrails had not been installed at all open areas of work platforms.

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

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313700130
Inspection Dates: 11/24/2009 - 11/30/2009
Issuance Date: 01/12/2010

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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

29 CFR 1926.452(c)(2) : Frames and panels on fabricated frame scaffolds were not braced by cross, horizontal, or diagonal braces, or a combination thereof which secured vertical members together laterally :

Job site, front entry scaffolding ----- On November 24, 2009 and before, cross braces were not installed on both inner and outer frames and seventy (70) cross braces of the required ninety-six (96) cross braces were missing from the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high, supported masonry walk through fabricated frame scaffold and the scaffold was not properly braced to secure vertical members together laterally.

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

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

29 CFR 1926.452(c)(3): On fabricated frame scaffolds, frames and panels were not joined together vertically by coupling or stacking pins or equivalent means:

Job site, front entry scaffolding ----- On November 24, 2009 and before, the top frame of the scaffold tower above the roof structure approximately 44 feet above the ground was joined to the frame below by posts clamped to both of the frames and all frames and panels of the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high supported masonry walk through fabricated frame scaffold were not joined vertically by coupling, stacking pins, or equivalent means.

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

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313700130
Inspection Dates: 11/24/2009 - 11/30/2009
Issuance Date: 01/12/2010

Safety Order and Notification of Penalty

Company Name: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176

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

29 CFR 1926.452(c)(4): On fabricated frame scaffolds, where uplift can occur which would displace scaffold end frames or panels, the end frames or panels, were not locked together vertically by pins or equivalent means:

Job site, front entry scaffolding ----- On November 24, 2009 and before, end frames of the 5 feet wide, 245 feet long, 13 feet 4 inch high to 44 feet high supported fabricated frame masonry walk through scaffold, were not locked together to prevent vertically displacement of the frames by uplift where a rough terrain forklift was being used to deliver or remove materials to/from the work platforms on the scaffold.

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

Mr. Jerry Lander
Director of Construction Safety Compliance

See pages 1 through 3 of this Safety Order and Notification of Penalty for information on employer and employee rights and responsibilities.

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: Indiana P Q Stucco LLC
Inspection Site: 38 West Rampart Street, Holiday Inn Express & Indoor Pool, Shelbyville, IN 46176
Issuance Date: 01/12/2010

Summary of Penalties for Inspection Number 313700130

Safety Order 01, Serious	=	$16,050.00
Total Proposed Penalties		$16,050.00

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).

Mr. Jerry Lander
Director of Construction Safety Compliance

Date 1/12/10