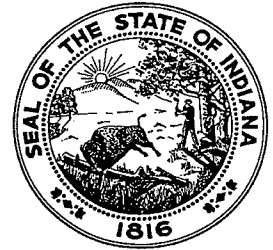


Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2571
Phone: 317/232-1979 Fax: 317/233-3790



Certified mail # 7003 1010 0003 5932 1865 3-20-12 JH

Safety Order and Notification of Penalty

To:

Danco Construction Inc.,
and its successors
3201 Interstate Drive
Attn: Dave Wolf
Evansville, IN 47715

Inspection Number:

315677120

Inspection Date(s):

11/15/2011 - 02/27/2012

Issuance Date:

03/20/2012

Inspection Site:

6840 Suite B Logan Drive
YMCA Woodward strip mall
Evansville, IN 47715

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.

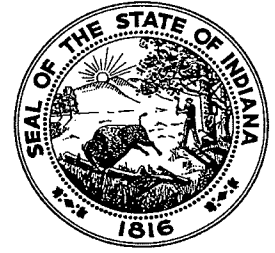
Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing 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

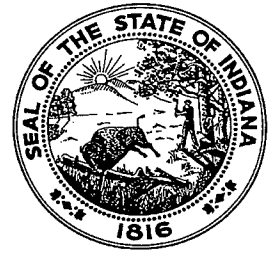
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 03/20/2012. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____.

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: 315677120
Inspection Dates: 11/15/2011 -
02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville,
IN 47715

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

IC 22-8-1.1 Section 2 : 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 :

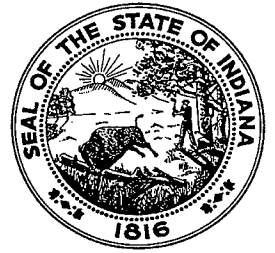
YMCA Woodward strip mall ----- On November 07, 2011 and before, employees were working from a JLG Commander scissor lift, Model # CM2033, S/N:C0125590200014499, where the end guardrails at the entrance to the platform had been altered/modified without authorization from the manufacturer. A hazard which could result in serious physical harm or death. Among other methods, a couple feasible and acceptable abatement methods to correct this hazard would be to follow ANSI A92.6-2006, section 7.10 (29) which states "Modification or alteration of an aerial platform or the fabrication and attaching of frameworks, or the mounting of attachments for holding tools or materials onto the platform or the guardrail system shall only be accomplished with the prior written permission of the manufacturer" or to follow page 1-1, Safety Precautions, of the JLG Industries Operators manual which states "modification of the machine without approval of JLG Industries is prohibited".

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,450.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315677120
Inspection Dates: 11/15/2011 -
02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville,
IN 47715

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

IC 22-8-1.1 Section 2 : 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 :

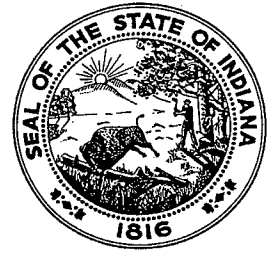
YMCA Woodward strip mall ----- On November 07, 2011 and before, the controls on the platform console box panel assembly on the JLG Commander scissor lift, Model # CM2033, S/N:C0125590200014499, were not legible. Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow the JLG Industries Operators Manual, Operation Safety Precautions # 3 which states " the controls shall be plainly marked as to their function."

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,450.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315677120
Inspection Dates: 11/15/2011 -
02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville,
IN 47715

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

IC 22-8-1.1 Section 2 : 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 :

YMCA Woodward strip mall ----- On November 07, 2011 and before, a complete annual inspection of the JLG Commander scissor lift, Model # CM2033, S/N:C0125590200014499, was not performed. Among other methods, a couple feasible and acceptable abatement methods to correct this hazard would be to follow JLG Industries Operators Manual, section 8-15(c) which states that a complete annual inspection be performed in accordance with the Annual Machine Inspection Report form or to follow ANSI A92.6 - 2006, section 6.7 - Annual Inspections, which states that the owner of an aerial platform shall ensure that an annual inspection is performed on the aerial platform no later than thirteen (13) months from the date of the prior annual inspection. The inspection shall be performed by a person(s) qualified as a mechanic on the specific make and model of the aerial platform or one having similar design characteristics. The inspection shall be in accordance items specified by the manufacturer (remanufacturer) for an annual inspection. The owner shall not place the aerial platform into service until all malfunctions and problems have been corrected.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,450.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315677120
Inspection Dates: 11/15/2011 -
02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville,
IN 47715

Safety Order 1 Item 4 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:

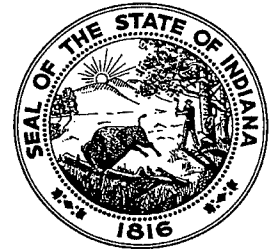
YMCA Woodward strip mall ----- On November 07, 2011 and before, the JLG Commander scissor lift, Model # CM2033, S/N:C0125590200014499, with inadequate guardrail heights consisting of chains at the entrance to the platform and controls that were not legible, was not inspected for visible defects by a competent person.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,450.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315677120
Inspection Dates: 11/15/2011 -
02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville,
IN 47715

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(f)(7) : Scaffolds were not erected, moved, dismantled, or altered under the supervision and direction of a competent person qualified in such and were not erected, moved, dismantled or altered by experienced and trained employees selected for such work by the competent person:

YMCA Woodward strip mall ----- On November 07, 2011 and before, the JLG Commander scissor lift, Model # CM2033, S/N:C0125590200014499, with end guardrails to the entrance of the platform consisting of chains installed at improper heights and wired on with ceiling grid wire and with controls not legible, was not altered under the supervision and direction of a competent person qualified in such and was not altered by trained employees selected for such work by the competent person.

Date By Which Violation Must be Abated: **05/04/2012**
Proposed Penalty: **\$2,450.00**

Safety Order 1 Item 5b 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:

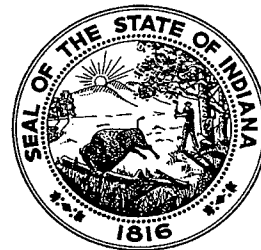
YMCA Woodward strip mall ----- On November 07, 2011 and before, the employer did not train employees working from a JLG Commander Scissor Lift Model # CM2033, S/N:C0125590200014499 five foot eight inches high to approximately ten foot three inches high with inadequate fall protection, to recognize any hazard associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

Date By Which Violation Must be Abated: **05/04/2012**
Proposed Penalty: **\$0.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315677120
Inspection Dates: 11/15/2011 - 02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville, IN 47715

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

29 CFR 1926.454(b): The employer did not have each employee involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question:

YMCA Woodward strip mall ----- On 11/07/2011 and before, employees who operated and altered a JLG Commander Scissor Lift Model # CM2033, S/N:C0125590200014499 five foot eight inches high to approximately ten feet foot three inches high with inadequate fall protection and other deficiencies, were not trained by a competent person to recognize any hazards associated with erecting, disassembling, moving, operating, repairing, maintaining, or inspecting this scaffold.

Date By Which Violation Must be Abated: 05/04/2012
Proposed Penalty: \$0.00

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

29 CFR 1926.454(c)(3) : When the employer had reason to believe that an employee lacked the skill and understanding needed for safe work involving the erection, use, or dismantling of a scaffold, the employer did not retrain employees so that the requisite proficiency is regained, where inadequacies in employees work involving scaffolds indicated the employees had not retained the requisite proficiency :

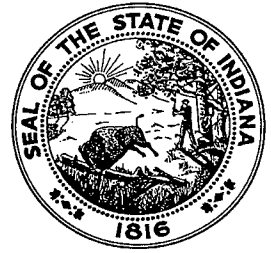
YMCA Woodward strip mall -----On November 07, 2011 and before employees working from a JLG Commander Scissor Lift Model # CM2033, S/N:C0125590200014499 five foot eight inches high to approximately ten feet foot eleven three high with inadequate fall protection and other deficiencies, had not been retrained in the scaffold standards so that the employees retained the skill and understanding needed to work safely and recognize hazards associated with such scaffolds.

Date By Which Violation Must be Abated: 05/04/2012
Proposed Penalty: \$0.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315677120
Inspection Dates: 11/15/2011 -
02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville,
IN 47715

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 6a Type of Violation: **Serious**

29 CFR 1926.451(g)(4)(ii) : The top edge height of top rails or equivalent members on supported scaffolds were not installed between 36 inches and 45 inches above the platform surface:

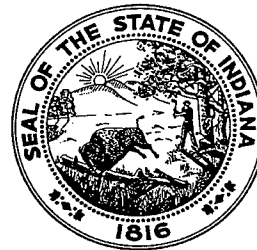
YMCA Woodward Strip Mall ----- On November 07, 2011 and before, the top guardrail, consisting of a chain at the entrance to the platform on the JLG Commander scissors lift, Model # CM2033, S/N:C0125590200014499, had the ends of the chain installed at 32 inches and 34 1/2 inches high with the middle of the chain sagging to 28 inches above the platform and the guardrail was not installed between 36 and 45 inches above the platform surface.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,450.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315677120
Inspection Dates: 11/15/2011 -
02/27/2012
Issuance Date: 03/20/2012



Safety Order and Notification of Penalty

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville,
IN 47715

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

29 CFR 1926.451(g)(4)(iv) : Mid rails were not installed midway between the top edge of the guardrail system and the platform:

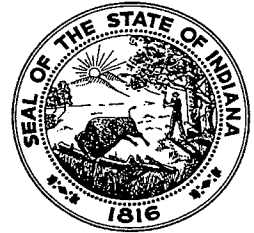
YMCA Woodward strip mall ----- On November 07, 2011 and before, the chain midrail of the guardrail system at the entrance to the platform on the JLG Commander scissors lift, Model # CM2033, S/N:C0125590200014499, was 13 inches above the platform and was not installed midway between the top rail of the guardrail system and the platform.

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 46204-2571
Phone: 317/232-1979 Fax: 317/233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: Danco Construction Inc.
Inspection Site: 6840 Suite B Logan Drive, YMCA Woodward strip mall, Evansville, IN 47715
Issuance Date: 03/20/2012

Summary of Penalties for Inspection Number 315677120

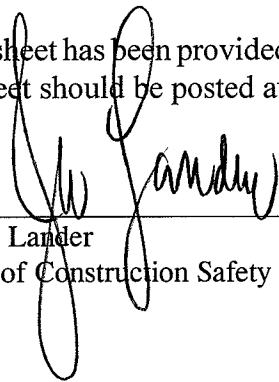
Safety Order 01, Serious	=	\$14,700.00
Total Proposed Penalties		\$14,700.00

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.

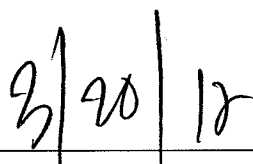
IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

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).



Jerry W. Lander
Director of Construction Safety Compliance



Date