

SETTLEMENT AGREEMENT

The Commissioner of Labor (here in after referred to as "Commissioner") and the Helming Bros. Inc, 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. 315049767 issued to the Employer on September 9, 2011 in the following manner.

SAFETY ORDER 01:

Item 1a: Delete; penalty reduced to \$ 0.00. **No abatement required.**

Item 1b: Upheld; penalty reduced to \$ 292.50.

Item 2a, b, c & d: Upheld; penalty reduced to \$ 292.50. **Abatement modified until October 9, 2011.**

Item 3: Upheld; penalty reduced to \$ 73~~7~~².35. JW

Item 4: Upheld; penalty reduced to \$ 73~~7~~².35. JW

Item 5: Delete; penalty reduced to \$ 0.00.

Item 6a, b, c & d: Upheld; penalty reduced to \$ 365.63.

Item 7: Upheld; penalty reduced to \$ 219.00.

Item 8a & b: Upheld; penalty reduced to \$ 365.63.

Item 9: Upheld; penalty reduced to \$ 365.63.

Item 10 & 11: Upheld; grouped penalty reduced to \$ 365.63.

Item 12 & 13: Upheld; grouped penalty reduced to \$ 365.63.

Item 14a & b: Upheld; penalty reduced to \$ 365.63.

Item 15 & 16: Upheld; grouped penalty reduced to \$ 365.63.

Item 17, 18 & 19: Upheld; grouped penalty reduced to \$ 365.63.

Item 20 & 21: Upheld; grouped penalty reduced to \$ 365.63.

Item 22: Upheld; penalty reduced to \$ 365.63.

ADDITIONALLY the Employer agrees to train a minimum of four (4) employees who have a safety responsibility in an OSHA Limited Scope Construction Scaffold Safety, Fall Protection, and Electrical & Ladder Safety course along with Competent Person training. The Employer agrees to complete the training within thirty (30) days of the signed Settlement Agreement. The Employer shall forward IDOL a copy of the agenda and sign in sheet upon completion.

Except for the above specified amendments all other provisions of Safety Order Number 315049767 are retained intact.

The TOTAL AGREED PENALTY is \$ 5925.00

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

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

The total AGREED PENALTY is due and payable 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.

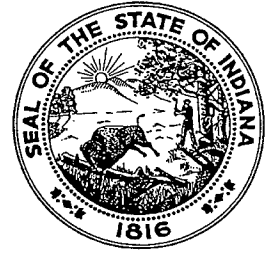
Helming Bros. Inc

By: [Signature]
Title: Supervisor
Date: 9/9/2011

COMMISSIONER OF LABOR

By: [Signature]
Title: [Signature]
Date: 9/9/11

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 # 20031010 00035731 8728 8-17-11 JH

Safety Order and Notification of Penalty

To:

Helming Brothers Inc.,
and its successors
P.O. Box 103
Attn: Joseph Helming
Jasper, IN 47547

Inspection Number:

315049767

Inspection Date(s):

05/17/2011 - 07/19/2011

Issuance Date:

08/17/2011

Inspection Site:

12300 S. 50 W.
Saint James Catholic Church
Haubstadt, IN 47639

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.

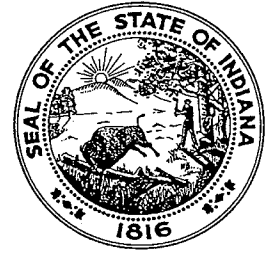
Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing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

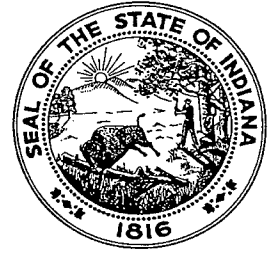
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 08/17/2011. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____.

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: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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

Job site ----- On May 17, 2011 and before, a competent person, capable of identifying hazards, did not perform inspections of the job site where employees were not wearing hard hats, who used scaffolds with inadequate guardrail heights, planks not over a supports and other hazards, boatswains chairs not rigged properly, stepladders not used properly, and who were exposed to other hazards.

Date By Which Violation Must be Abated: 10/04/2011
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 :

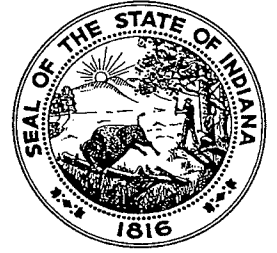
Outside steeple ----- On 05/18/11 and before, scaffolds and scaffold components, consisting of a bracket scaffold with pitted and rusted angle iron brackets, planks improperly overlapped, inadequate guardrail heights, and other hazards and boatswains chairs used without proper rigging and other hazards had not been inspected for visible defects by a competent person who was able to identify hazards dealing with these types of scaffolds.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
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Safety Order and Notification of Penalty

Company Name: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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 1926.21(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 May 17, 2011 and before, employees working from a bracket scaffold with inadequate guardrail heights, working under scaffolds with no hard hats, cutting plywood with no safety glasses, not using GFCI, working from boatswains chairs not rigged properly, using stepladders improperly, and 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: 10/04/2011
Proposed Penalty: \$1,500.00

Safety Order 1 Item 2b 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 :

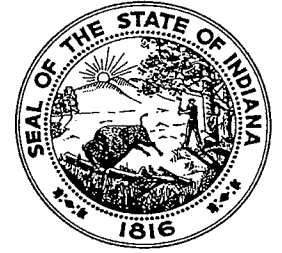
Outside steeple ----- On 05/18/11 and before, the bracket scaffold with planks improperly overlapped, inadequate guardrail heights, and other hazards and the boatswains chairs scaffolds with improper rigging and other hazards were not erected and rigged under the direction of a competent person qualified and trained in these types of scaffolds and by employees who had been trained in hazards related to these types of scaffolds.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

Safety Order 1 Item 2c 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:

Outside steeple ----- On 05/18/11 and before, employees working from a 60 foot high bracket scaffold with improper guardrail heights, planking not overlapped properly, and other hazards and working from boatswains chairs with improper rigging and other hazards had not been trained on hazards associated with these types of scaffolds and on recognizing such.

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

Safety Order 1 Item 2d 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 :

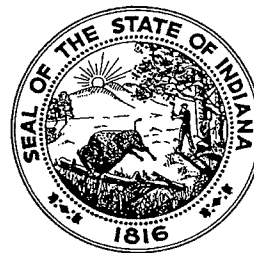
Outside steeple ----- On 05/18/11 and before, employees who erected the bracket scaffold with planks improperly overlapped, inadequate guardrail heights, and other hazards and who erected, operated, and maintained boatswains chair scaffolds with improper rigging and other hazards, had not been trained in the hazards associated with these types of scaffolds.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

Safety Order 1 Item 3 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:

West side of job site ----- On May 17, 2011 one employee working on the ground pulling up material up to a 60 foot high bracket scaffold platform and below employees working from boatswains chair scaffolds where the danger of falling and flying objects existed, was not wearing a hard hat.

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

Safety Order 1 Item 4 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:

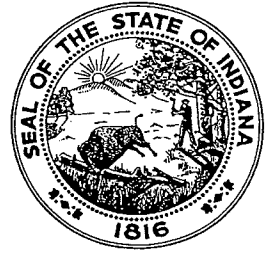
Job site ----- On May 17, 2011 safety glasses or other eye protection was not worn by one employee cutting 5/8 inch OSB board with a Makita 7 1/4 inch circular saw.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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

29 CFR 1926.150(c)(1)(iv): One or more fire extinguishers, rated not less than 2A, were not provided on each floor:

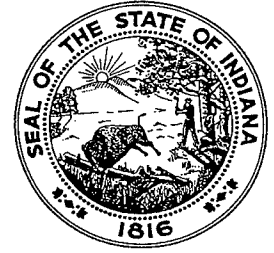
Church steeple ----- On May 17, 2011 and before, fire extinguishers were not provided on any of the five (5) floors inside of the 110 foot tall church steeple.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

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Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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 1926.251(c)(5): U-bolt wire rope clip(s) used to form eyes did not conform to Table H-20 to determine number and spacing of clip(s):

Outside steeple ----- On 05/18/11 and before, only one (1) wire rope clip was used to form an eye in the 10 inch wide by 24 inch long boatswains chair seat.

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

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

29 CFR 1926.251(c)(5)(i): The "U" section of U-bolt wire rope clip(s) used to form eyes was not in contact with the dead end of the rope:

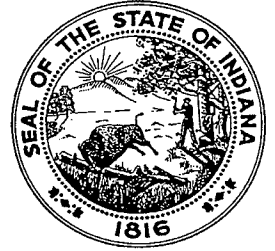
Outside steeple ----- On 05/18/11 and before, the U-bolt wire rope clip used to form an eye in the 3/8 inch wire rope on the 10 inch wide by 24 inch long boatswains chair seat was installed with the saddle on the dead end of the rope and not the u-bolt section.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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

29 CFR 1926.451(d)(12)(i): On suspension scaffolds, when wire rope clips were used, there was not a minimum of 3 clips installed:

Outside steeple ----- On 05/18/11 and before, only one wire rope clip was used for the rigging of the boatswains chair seat.

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

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

29 CFR 1926.451(d)(12)(vi): U-bolt wire rope clips used on suspension scaffolds did not have the U-bolt section placed over the dead end of the rope and the saddle placed over the live end of the rope:

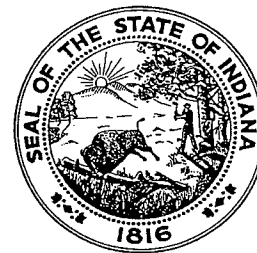
Outside steeple ----- On 05/18/11 and before, the U-bolt wire rope clip installed to form an eye on the boatswains chair seat rigging had the saddle on the dead end of the rope.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

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Safety Order and Notification of Penalty

Company Name: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

Safety Order 1 Item 7 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:

Job site----- On May 17, 2011 the outside 15/20 amp 120 volt receptacle outlet being used with two 12/3 yellow extension cords and a Makita circular saw 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: **\$450.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
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Safety Order and Notification of Penalty

Company Name: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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 8a Type of Violation: **Serious**

29 CFR 1926.451(a)(1) : Each scaffold and scaffold component was not capable of supporting, without failure, its own weight and at least four times the maximum intended load applied or transmitted to it :

Outside steeple ----- On 05/18/11 and before, the 60 feet high bracket scaffold with pitted and rusted brackets supporting 28 foot long 2 x 10 planks was not capable of supporting at least 4 times any load transmitted to it.

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

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

29 CFR 1926.451(a)(6) : Scaffolds were not designed by a qualified person and constructed and loaded in accordance with the design :

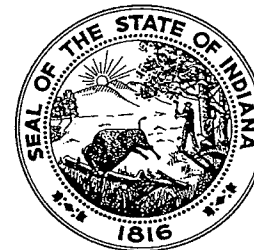
Outside steeple -----On 05/18/11 and before, the 60 feet high bracket scaffold with 28 foot long 2x10 planks resting on pitted and rusted 1½ inch angle iron brackets, with the brackets supported by unprotected wire rope wrapped around the steeple and pieces of all-thread drilled through the brick of the steeple, and with planking improperly overlapped and other hazards was not designed and constructed by a qualified person.

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

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Safety Order and Notification of Penalty

Company Name: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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

29 CFR 1926.451(b)(3): The maximum distance from the front edge of the platform to the face of the work was more than 14 inches and guardrail systems were not erected along the front edge and/or personal fall arrest systems were not used to protect employees against a fall:

Outside steeple ----- On 05/18/11 and before, the 28 foot long 2 inch by 10 inch planks on the four (4) sides of the 60 foot high bracket scaffold were 17 inches from the face of the brick wall of the steeple and no guardrail or other fall protection was provided at the front edge.

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

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

29 CFR 1926.451(b)(5)(ii) : Each end of a platform greater than 10 feet in length extended over its support by more than 18 inches :

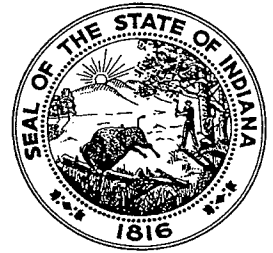
Outside steeple ----- On 05/18/11 and before, the 2x10 platform planks around the four sides of the 60 foot high bracket scaffold extended past the end bracket supports approximately 6 feet at each corner or end.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 -
07/19/2011
Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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

CFR 1926.451(b)(7) : Where scaffolds are overlapped to create a long platform the overlap did not occur only over a support :

Outside steeple ----- On 05/18/11 and before, the 28 foot long 2x10 scaffold planks on the 60 foot high bracket scaffold extended past the end brackets approximately 6 feet and were overlapped at the ends/corners and the overlap did not occur over a support or bracket.

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

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

29 CFR 1926.451(d)(16): Suspension scaffold manually operated hoists did not have a have a braking device or locking pawl which engaged automatically when the hoist made either an instantaneous change in momentum or an accelerated overspeed: .

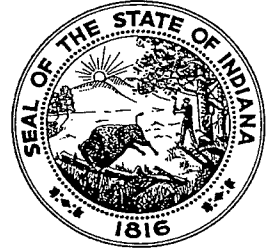
Outside steeple ----- On 05/18/11 and before, the pulley/sheave type block hoist system used with the boatswains chair did not have a have a braking device or locking pawl on the hoisting system.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
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Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

Safety Order 1 Item 13 Type of Violation: **Serious**

29 CFR 1926.451(d)(17) : Manually operated hoists did not have a positive crank force to descend:

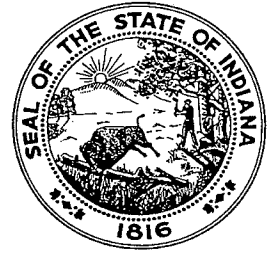
Outside steeple ----- On 05/18/11 and before, the pulley/sheave block type manual hoist system used with the boatswains chair did not have a positive crank force to descend.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
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Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

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 14a 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 39 inches and 45 inches above the platform surface :

Outside steeple ----- On 05/18/11 and before, the 2 inch by 4 inch wood rail installed as the top rail of the guardrail system on the backside edge of the 60 foot high bracket scaffold was 37 inches to 37 1/2 inches above the 2 x 10 plank platforms and was not between 39 and 45 inches above the platform surface.

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

Safety Order 1 Item 14b Type of Violation: **Serious**

29 CFR 1926.451(g)(4)(iv) : When mid rails are used they shall be installed at a height approximately midway between the top edge of the guardrail system and platform surface:

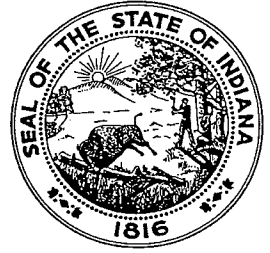
Outside steeple ----- On 05/18/11 and before, the rope mid rail on the 60 foot high bracket scaffold was installed at a height of approximately 15 inches between the 37 inch high top rail and the 2 x 10 platform planking and was not installed midway between the two.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 -
07/19/2011
Issuance Date: 08/17/2011



Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

Safety Order 1 Item 15 Type of Violation: **Serious**

29 CFR 1926.452(o)(3) : Boatswains chair tackle did not consist of correct size ball bearings or bushed blocks containing safety hooks :

Outside steeple ----- On 05/18/11 and before, the hooks on the pulley block/sheave tackle system being used with the 10 inch by 24 inch boatswains chair scaffold, were not safety hooks with latches.

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

Safety Order 1 Item 16 Type of Violation: **Serious**

29 CFR 1926.452(o)(4) : Boatswains chair seat slings were not reeved through four corner holes in the seat and cross each other on the underside of the seat and rigged so as to prevent slippage which could cause an out-of-level condition:

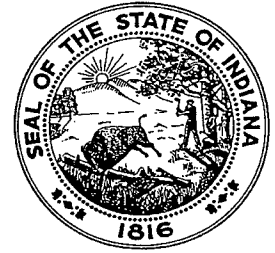
Outside steeple ----- On 05/18/11 and before, the 10 inch wide by 24 inch long boatswains chair seat was reeved with 3/8 inch wire rope that did not cross each other diagonally under the seat and the seat sling was not rigged to prevent slippage.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
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Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

Safety Order 1 Item 19 Type of Violation: **Serious**

29 CFR 1926.452(x)(9) : U-bolt wire clips were used on wire rope used to secure brackets or to serve as an anchor for personal fall arrest systems:

Outside steeple ----- On 05/18/11 and before, U-bolt wire clips were used on the 3/8 inch wire rope which helped secure the brackets of the approximately 60 foot high repair bracket scaffold.

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

Safety Order 1 Item 20 Type of Violation: **Serious**

29 CFR 1926.501(a)(2) : The employer did not determine if the walking/working surfaces which employees walked and worked had the strength and structural integrity to support employees safely:

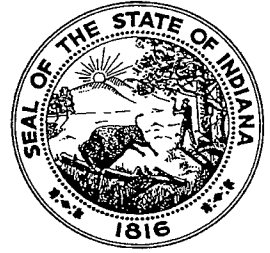
Scaffold access floor level in steeple ----- On 05/18/11 and before, no such determination was made if the wooden floor in the steeple had the structural integrity and strength to safely support employees and materials where employees accessed the bracket scaffold on the outside of the steeple.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$600.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315049767
Inspection Dates: 05/17/2011 - 07/19/2011
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Safety Order and Notification of Penalty

Company Name: Helmimg Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639

Safety Order 1 Item 21 Type of Violation: **Serious**

29 CFR 1926.501(b)(4)(i) : Each employee on a walking/working surface was not protected from falling through holes (including skylights) more than 6 feet above lower levels by personal fall arrest systems, covers, or guardrail systems erected around such holes :

Scaffold access floor level in steeple ----- On 05/18/11 and before, guardrails were not installed around the 6 foot by 30 inch floor access opening and no other protection was offered to protect employees from falling through the opening.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$600.00**

Safety Order 1 Item 22 Type of Violation: **Serious**

29 CFR 1926.1053(b)(4): Ladders were used for purposes other than the purposes for which they were designed:

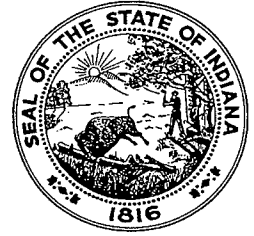
North side of scaffolding ----- On May 17, 2011 a six (6) foot tall fiberglass step ladder was not folded out and was leaning against the north wall where employees were accessing a 60 foot tall repair bracket scaffold.

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

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: Helming Brothers Inc.
Inspection Site: 12300 S. 50 W., Saint James Catholic Church, Haubstadt, IN 47639
Issuance Date: 08/17/2011

Summary of Penalties for Inspection Number 315049767

| | | |
|--------------------------|---|-------------|
| Safety Order 01, Serious | = | \$17,850.00 |
| Total Proposed Penalties | | \$17,850.00 |

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 Lander
Director Construction Safety Compliance

Date

8/17/2011