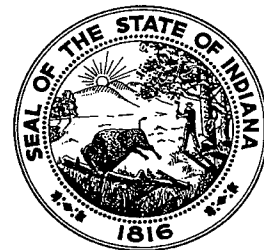


Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-3790



Certified mail # 70031010 0003 5731 3594 11-23-10 jto

Safety Order and Notification of Penalty

To:	Inspection Number:	314361601
James Schmucker Masonry LP, and its successors 10221 Richer Road Attn: Mr. James Schmucker Grabill, IN 46741	Inspection Date(s):	09/21/2010 - 09/22/2010
	Issuance Date:	11/23/2010

Inspection Site:

341 S Main Street
Montpelier Civic Center
Montpelier, IN 47359

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

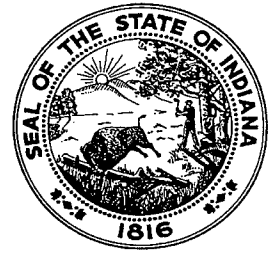
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 11/23/2010. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

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 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

Job site ----- On September 21, 2010 and before, the employer had not developed, implemented or maintained such program.

Date By Which Violation Must be Abated: 01/12/2011
Proposed Penalty: \$600.00

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

29 CFR 1910.1200(g)(11): Material safety data sheets were not made available upon request to the designated representatives: (Construction Reference: 1926.59)

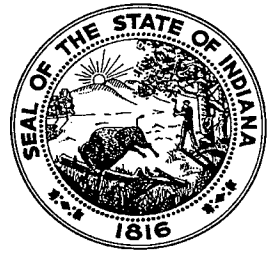
Job site ----- On September 21, 2010 and before, Material Safety Data Sheets (MSDS's) were not maintained on site and were not made available upon request.

Date By Which Violation Must be Abated: 01/12/2011
Proposed Penalty: \$0.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

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

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area: (Construction Reference 1926.59):

Job site ----- On September 21, 2010 and before, the employer had not provided employees with information on the hazard communication standard and employees were not trained on the use and presence of hazardous substances in their work area such as, but not limited to, sand, freshly mixed concrete, Quik -brick and concrete brick.

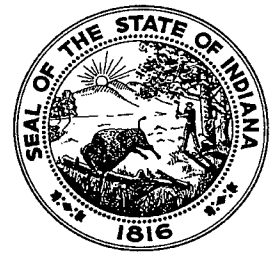
Date By Which Violation Must be Abated:
Proposed Penalty:

01/12/2011
\$0.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

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 September 21, 2010 and before, employees were not instructed, or adequately instructed, in the recognition and avoidance of unsafe conditions and on the regulations applicable to their work environment, such as, but not limited to, those connected with scaffolds.

Date By Which Violation Must be Abated: 01/12/2011
Proposed Penalty: \$1,000.00

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

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

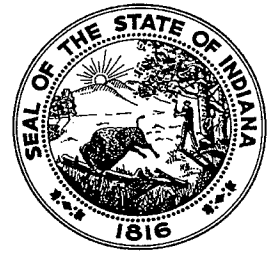
Job site ----- On September 21, 2010 and before, employees who erected the 10 feet 8 inch high, five feet wide, and 28 feet long fabricated frame scaffold with no guardrails, missing cross braces, no mudsills, work platforms not fully planked, and no vertical locking pins for the stacking pins when uplift was a possibility, had not been trained 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: 01/12/2011
Proposed Penalty: \$0.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 - 09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

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

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

North Wall ----- On and before September 17, 2010 the 10 feet 8 inch high work platform on the 10 feet 8 inch 10 feet 8 inch high, 5 feet wide and 28 feet long fabricated frame scaffold was not fully planked, in that only 20 inches of the required 60 inch width was planked.

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

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

29 CFR 1926.451(c)(2): The legs of supported scaffolds were set on plain or adjustable bases which were not placed on mud sills or other adequate firm foundations:

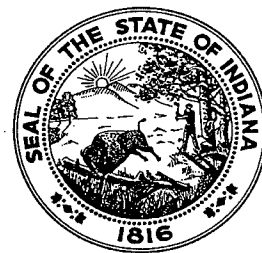
North Wall----- On and before Sept. 20, 2010 the legs of the 10 feet 8 inch high, 5 feet wide and 28 feet long fabricated frame scaffold with work platforms at 10 feet 8 inches high and 9 feet 8 inches high had base plates resting on the bare dirt ground and were not set on mud sills.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

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

29 CFR 1926.451(c)(2)(iv): Front-end loaders and similar pieces of equipment were used to support scaffold platforms when they have not been specifically designed by the manufacturer for such use:

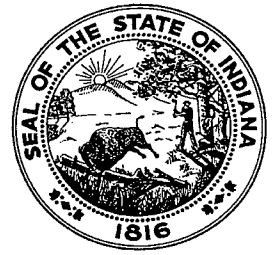
North Wall ----- On or about September 17, 2010 the Ingersoll-Rand all terrain forklift, Model VR 60B, S/N 151347SIG, being used to support an employee on a 4 foot by 3 foot wooden pallet on the forks of the truck, was not designed or approved for such use by the manufacturer.

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

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

29 CFR 1926.451(g)(1)(vi): Each employee performing overhand bricklaying operations from a supported scaffold more than 10 feet above a lower level was not protected from falling from all open sides and ends by the use of a personal fall arrest system or guardrail system:

North Wall----- On and before September 17, 2010 guardrails were not installed on the the 10 feet 8 inch high work platform on the 10 feet 8 inch high, five feet wide, and 28 feet long fabricated frame scaffold and no other form of fall protection was being used.

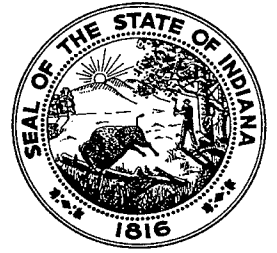
James Schmucker Masonry LP was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1926.451(g)(1)(vi), which was contained in OSHA inspection number 311606636, citation number 1, item number 5, issued on 02/05/2009, with respect to a workplace located at 840 N Washington St, Van Wert, OH 45891.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

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

29 CFR 1926.452(c)(2): On fabricated frame scaffolds, frames and panels were not cross, horizontal, or diagonal, or a combination there of which secure vertical members together laterally:

North Wall ----- On and before September 17, 2010 all 8 of the cross braces on the outside side of the scaffold were missing, as a result 50% of the cross braces for the entire scaffold were not installed.

James Schmucker Masonry LP was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1926.452(c)(2), which was contained in OSHA inspection number 311606636, citation number 1, item number 7, issued on 02/05/2009, with respect to a workplace located at 840 N Washington, Van Wert, OH 45891.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$2,000.00

Safety Order 2 Item 3 Type of Violation: **Repeat**

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:

North Wall ----- On and before September 17, 2010 the lock pins were not installed on the stacking couplers on the 10 feet 8 inch high, five feet wide, and 28 feet long fabricated frame scaffold when a forklift was in close proximity loading the occupied scaffold with brick and uplift could occur.

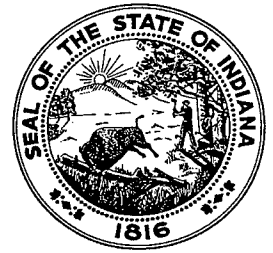
James Schmucker Masonry LP was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1926.452(c)(4), which was contained in OSHA inspection number 311606636, citation number 1, item number 8, issued on 02/05/2009, with respect to a workplace located at 840 N Washington, Van Wert, OH 45891.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$2,000.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

Safety Order 2 Item 4 Type of Violation: **Repeat**

29 CFR 1926.454(a): Employee(s) who perform work while on a scaffold were not trained by a qualified person to recognize any hazard associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards:

Job site ----- On and before September 21, 2010 employees working from fabricated frame scaffolds with no guardrails, missing cross braces, no mudsills, a work platform that is not fully planked, no vertical locking pins for the stacking pins when uplift is a possibility, had not been trained in the scaffold regulations and on recognizing hazards associated with such, in order to control and eliminate these type os hazards.

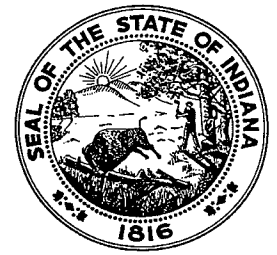
James Schmucker Masonry LP was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent Standard 1926.454(a), which was contained in OSHA inspection number 311606636, citation number 1, item number 9, issued on 02/05/2009, with respect to a workplace located at 840 N Washington, Van Wert, OH 45891.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,000.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 314361601
Inspection Dates: 09/21/2010 -
09/22/2010
Issuance Date: 11/23/2010



Safety Order and Notification of Penalty

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359

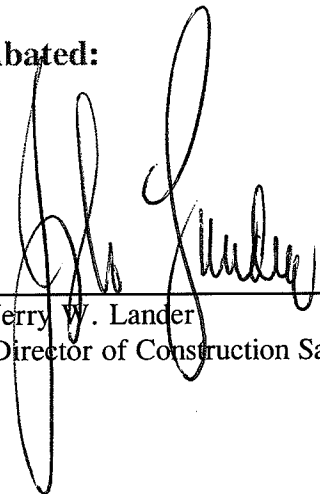
Safety Order 3 Item 1 Type of Violation: **Nonserious**

29 CFR 1910.178(l)(2)(ii): Training did not consist of a combination of formal instruction, practical training and evaluation of the operator's performance in the workplace:

Job site ----- On September 22, 2010 and before, powered industrial truck training provided by the employer did not include any type of formal instruction but only practical training.

Date By Which Violation Must be Abated:
Proposed Penalty:

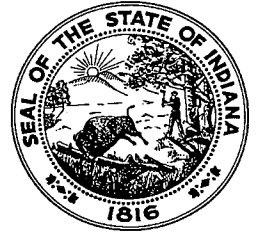
01/12/2011
\$0.00



Jerry W. Lander
Director of Construction Safety Compliance

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: (317) 232-1979 FAX: (317) 233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: James Schmucker Masonry LP
Inspection Site: 341 S Main Street, Montpelier Civic Center, Montpelier, IN 47359
Issuance Date: 11/23/2010

Summary of Penalties for Inspection Number 314361601

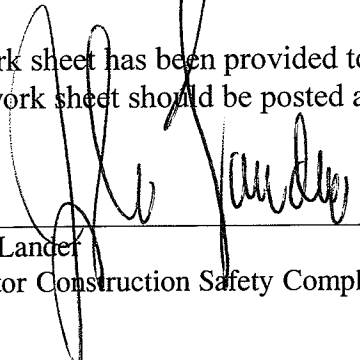
Safety Order 01, Serious	=	\$4,600.00
Safety Order 02, Repeat	=	\$8,000.00
Safety Order 03, Nonserious	=	\$0.00
Total Proposed Penalties		\$12,600.00

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 11/23/2010