

SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Mac Corporation (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 316547546 issued to the Employer on May 1, 2013 in the following manner:

SAFETY ORDER 1:

Item 1: Upheld and the penalty is amended to \$7000.

SAFETY ORDER 2:

Item 1a: Upheld, reduced to a Serious violation, grouped with Item 1b and the penalty is one \$7,000 penalty for both Items 1a and 1b.

Item 1b: Upheld, reduced to a Serious violation, grouped with Item 1b and the penalty is one \$7,000 fine for both Items 1a and 1b.

Item 2a: Upheld and grouped with 2b, and 2c and reduced to a Serious violation. The penalty is reduced to one \$7,000 penalty for Items 2a, 2b, and 2c.

~~Item 2b: Upheld and grouped with 2a and 2c and reduced to a Serious violation. The penalty is reduced to one \$7,000 penalty for Items 2a, 2b, and 2c.~~

Item 2c: Upheld and grouped with 2a and 2b and reduced to a Serious violation. The penalty is reduced to one \$7,000 penalty for Items 2a, 2b, and 2c.

Item 2d: Upheld and reduced to a Serious violation and grouped with 2e and 2f. The penalty is reduced to one \$7,000 penalty for Items 2d, 2e, and 2f.

Item 2e: Upheld and reduced to a Serious violation and grouped with 2d and 2f. The penalty is reduced to one \$7,000 penalty for Items 2d, 2e, and 2f.

Item 2f: Upheld, reduced to a Serious violation, and grouped with 2d and 2e. The penalty is reduced to one \$7,000 penalty for Items 2d, 2e, and 2f.

Item 2g: Upheld and reduced to a Serious violation. The penalty is reduced to \$20,000.

Respondent agrees to provide IOSHA with two monthly status reports with respect to the abatement in Safety Order 2, Item 1b and 2c, commencing 30 days and concluding 60 days from the Respondent's receipt of this fully executed agreement.

On or before July 15, 2013, Respondent agrees to retrain all of their affected employees on lockout/tagout procedures and retrain specifically on ensuring that all employees perform checks to verify that all personnel are cleared from the machine(s) or equipment area and safely positioned or removed before testing or positioning of machine(s) pursuant to 29 CFR 1910.147(f)(1)(ii) and 29 CFR 1910.147(e)(2)(i).

The TOTAL AGREED PENALTY is \$48,000.

The first of three payments of \$16,000 will be due and payable on the 25th of June and the next payment due on the 25th of July with the last payment of \$16,000 due and payable on August 25, 2013.

Except for the above specified amendments all other provisions of Safety Order Number 316547546 are retained intact.

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 Employer further agrees that if the AGREED PENALTY is not paid as agreed 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.

The Employer confirms the Commissioner's right to re-inspect to verify abatement of the alleged violations.

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.

MAC CORPORATION

By: Boys R Hobbs

Title: President

Date: 23 May 2013

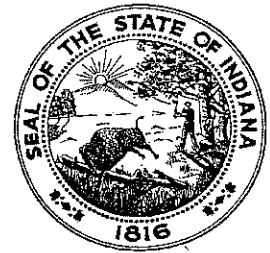
COMMISSIONER OF LABOR

By: J. Alexander

Title: Director

Date: 5/23/13

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: 317/233-8509



Certified mail # 7003 1010 0003 5732 7546 5-1-13 jto

Safety Order and Notification of Penalty

To:
Mac Corporation,
and its successors
4717 Massachusetts Avenue
Indianapolis, IN 46218

Inspection Number: 316547546
Inspection Date(s): 02/07/2013 - 03/25/2013
Issuance Date: 05/01/2013

Inspection Site:
6737 East 30th Street
Indianapolis, IN 46219

The violation(s) described in this Safety Order and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days

on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the

prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

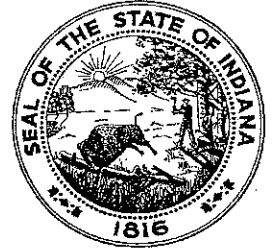
Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to

the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 05/01/2013. The conference will be held at the IOSHA office located at 402 West

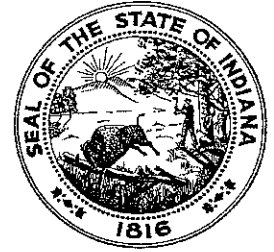
Washington Street, Room W195, Indianapolis, IN 46204 on _____ at

_____. 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: 316547546
Inspection Dates: 02/07/2013 -
03/25/2013
Issuance Date: 05/01/2013



Safety Order and Notification of Penalty

Company Name: Mac Corporation
Inspection Site: 6737 East 30th Street, Indianapolis, IN 46219

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

29 CFR 1910.147(f)(2)(i): When outside servicing personnel were engaged in activities in a facility, the onsite employer and the outside employer did not inform each other of their respective lockout or tagout procedures:

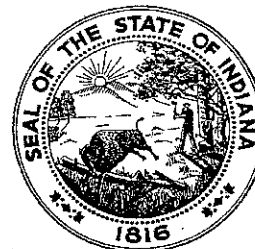
World Media Group, Outside Bay 2 - On February 6th, 2013 Service Technicians from Mac Corporation performed equipment repair on a Marathon Trash Compactor, located on site at World Media Group, outside of Bay 2. Mac Corporation employees did not inform World Media Group of their lockout tagout procedures.

Date By Which Violation Must be Abated:	05/27/2013
Proposed Penalty:	\$1,250.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

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03/25/2013
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Safety Order and Notification of Penalty

Company Name: Mac Corporation
Inspection Site: 6737 East 30th Street, Indianapolis, IN 46219

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 2 Item 1a Type of Violation: **Knowing**

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

World Media Group, Outside Bay 2 - On February 6th, 2013 a Service Technician entered a permit required confined space to perform services, such as but not limited to, replacing a hydraulic pump and a directional valve on the Marathon Trash Compactor. Prior to the entry of this equipment and other equipment, the employer did not evaluate to determine if the workplace had permit required confined spaces.

Date By Which Violation Must be Abated: 05/27/2013
Proposed Penalty: \$49,000.00

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

29 CFR 1910.146(c)(4): The employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space program:

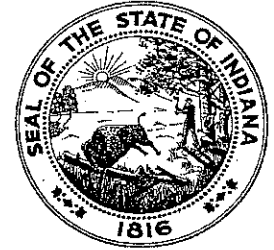
World Media Group, Outside Bay 2 - On February 6th, 2013 a Service Technician entered a permit required confined space to perform services such as, but not limited to, replacing a hydraulic pump and a directional valve, to the power unit of a Marathon Trash Compactor. Prior to the entry of this and other equipment, the employer did not develop and implement a written permit space program.

Date By Which Violation Must be Abated: 05/27/2013

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Administration

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03/25/2013
Issuance Date: 05/01/2013



Safety Order and Notification of Penalty

Company Name: Mac Corporation
Inspection Site: 6737 East 30th Street, Indianapolis, IN 46219

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 2 Item 2a Type of Violation: **Knowing**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

World Media Group, Outside Bay 2 - On February 6th, 2013 Service Technicians performed equipment repair activities such as, but not limited to, replacing a hydraulic pump, and a directional valve, to the power unit of a Marathon Trash Compactor. The employer did not document or enforce energy control procedures, which exposed Service Technicians to hazards such as, but not limited to, crushing hazards created by the container's ram.

Date By Which Violation Must be Abated: 05/27/2013
Proposed Penalty: \$49,000.00

Safety Order 2 Item 2b Type of Violation: **Knowing**

29 CFR 1910.147(c)(6)(i): The employer did not conduct periodic inspections of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard were being followed:

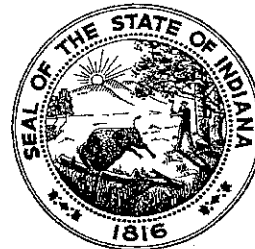
World Media Group, Outside Bay 2 - On February 6th, 2013 Service Technicians performed equipment repair activities such as, but not limited to, replacing a hydraulic pump, and a directional valve, to the power unit of a Marathon Trash Compactor. The employer did not conduct annual periodic inspections to ensure that the energy control procedure and the OSHA standard were being followed.

Date By Which Violation Must be Abated: 05/27/2013

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 316547546
Inspection Dates: 02/07/2013 -
03/25/2013
Issuance Date: 05/01/2013



Safety Order and Notification of Penalty

Company Name: Mac Corporation
Inspection Site: 6737 East 30th Street, Indianapolis, IN 46219

Safety Order 2 Item 2c Type of Violation: **Knowing**

29 CFR 1910.147(c)(6)(ii): The employer did not certify that the periodic inspections had been performed. There was not a certification that identified the machine or equipment on which the energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

World Media Group, Outside Bay 2 - On February 6th, 2013 Service technicians performed equipment repair activities such as, but not limited to, replacing a hydraulic pump, and a directional valve, to the power unit of a Marathon Trash Compactor. The employer did not certify that periodic inspections of the energy control procedure were completed.

Date By Which Violation Must be Abated: 05/27/2013

Safety Order 2 Item 2d Type of Violation: **Knowing**

29 CFR 1910.147(c)(7)(i):The employer did not provide training to ensure that the purpose and function of the energy control program were understood by employees and that the knowledge and skill required for the safe application, usage, and removal of the energy controls were acquired by employees:

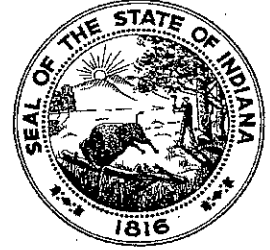
World Media Group, Outside Bay 2 - On February 6th, 2013 Service technicians performed equipment repair activities such as, but not limited to, replacing a hydraulic pump, and a directional valve on the Marathon Trash Compactor. The employer did not provide effective training, on energy control, to it's employee's to ensure they were able to safely apply, use and remove energy controls, to protect them from crushing hazards created by the container's ram.

Date By Which Violation Must be Abated: 05/27/2013

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

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Safety Order and Notification of Penalty

Company Name: Mac Corporation
Inspection Site: 6737 East 30th Street, Indianapolis, IN 46219

Safety Order 2 Item 2e Type of Violation: **Knowing**

29 CFR 1910.147(c)(8): Lockout or tagout was not performed only by the authorized employees who are performing the servicing or maintenance:

World Media Group, Outside Bay 2 - On February 6th, 2013 Service Technicians performed equipment repair activities such as, but not limited to, replacing a hydraulic pump, and a directional valve on the Marathon Trash Compactor. The trash compactor was not locked out for the duration of these activities..

Date By Which Violation Must be Abated: 05/27/2013

Safety Order 2 Item 2f Type of Violation: **Knowing**

29 CFR 1910.147(d)(6): Prior to starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and de-energization of the machine or equipment had been accomplished.

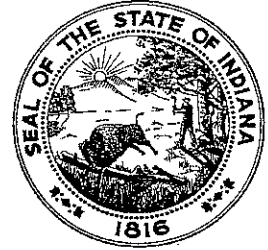
World Media Group, Outside Bay 2 - On February 6th, 2013, Service Technicians performed equipment repair activities such as, but not limited to, replacing a hydraulic pump, and a directional valve, to the power unit of a Marathon Trash Compactor.

Date By Which Violation Must be Abated: 05/27/2013

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 316547546
Inspection Dates: 02/07/2013 - 03/25/2013
Issuance Date: 05/01/2013



Safety Order and Notification of Penalty

Company Name: Mac Corporation
Inspection Site: 6737 East 30th Street, Indianapolis, IN 46219

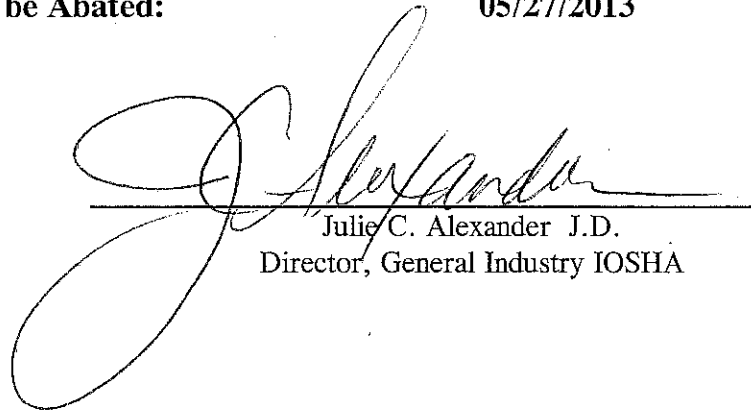
Safety Order 2 Item 2g Type of Violation: **Knowing**

29 CFR 1910.147(f)(1)(ii): During testing or positioning of machines, equipment or components thereof. In situations in which lockout or tagout devices must be temporarily removed from the energy isolating device and the machine or equipment energized to test or position the machine, equipment or component thereof, employees were not removed from the machine:

World Media Group, Outside Bay 2 - On February 6th, 2013, Service Technicians performed equipment repair activities such as, but not limited to, replacing a hydraulic pump, and a directional valve, to the power unit of a Marathon Trash Compactor. Testing or positioning of machines required temporary removal of the lockout devices at which time employee(s) were not removed from the machine exposing them to crushing hazards.

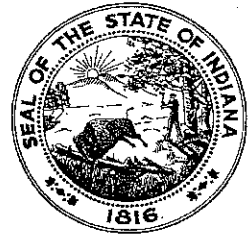
Date By Which Violation Must be Abated:

05/27/2013



Julie C. Alexander J.D.
Director, General Industry IOSHA

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: 317/233-8509



1.

INVOICE/DEBT COLLECTION NOTICE

Company Name: Mac Corporation
Inspection Site: 6737 East 30th Street, Indianapolis, IN 46219
Issuance Date: 05/01/2013

Summary of Penalties for Inspection Number 316547546

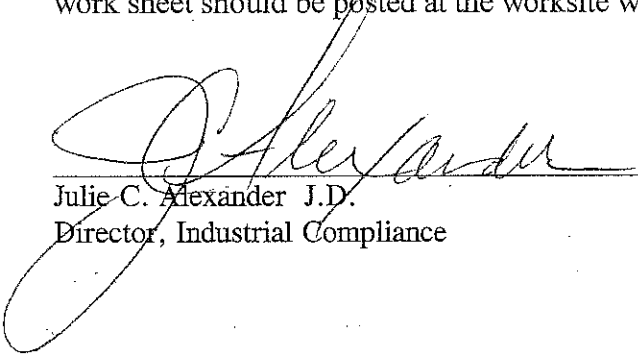
Safety Order 01, Serious	=	\$1,250.00
Safety Order 02, Knowing	=	\$98,000.00
Total Proposed Penalties		\$99,250.00

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).


Julie C. Alexander J.D.
Director, Industrial Compliance

Date

5/1/2013