

SETTLEMENT AGREEMENT

The Commissioner of Labor (here in after referred to as "Commissioner") and the Votaw Electric 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. 315863571 issued to the Employer on August 8, 2012 in the following manner.

SAFETY ORDER 01:

Item 1 & 2: Upheld; group, penalty reduced to \$ 487.60, **abatement has been modified until October 8, 2012.**

Item 3a, b, c & d: Upheld; penalty reduced to \$ 487.60, **abatement has been modified until October 8, 2012.**

Item 4 & 5: Upheld; group, penalty reduced to \$ 812.60.

Item 6: Upheld; penalty reduced to \$ 812.60.

Item 7: Upheld; penalty reduced to \$ 812.60.

In exchange, The Employer agrees:

- 1. Provide 30 hour OSHA Construction safety course along with competent person training for twenty/five (25) Supervisors within twelve months of the Settlement Agreement. (5 Supervisor have been trained at the time of informal, documented proof shall be provided)**
- 2. Refresh thirty (50) employees in a limited scope Construction Safety Fall Protection, Scaffold, Ladder and Electrical Safety course within thirty (60) days of the Settlement Agreement.**
- 3. The Employer shall provided an agenda and the class sign in sheet to IDOL upon completion of the courses.**

Except for the above specified amendments all other provisions of Safety Order Number 315863571 are retained intact.

The TOTAL AGREED PENALTY is \$ 3413.00

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.

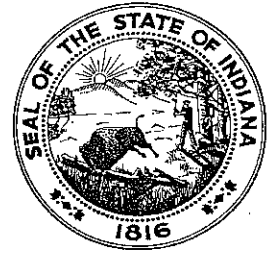
Votaw Electric Inc

By: *Benjamin C. Hummer*
Title: Field Operations Leader / Safety Director
Date: 23 July, 2012

COMMISSIONER OF LABOR

By: *[Signature]*
Title: Director
Date: 7.23.12

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 # 7003 1010 0003 5732 3630 7-13-12 jts

Safety Order and Notification of Penalty

To:
Votaw Electric Inc.,
and its successors
P.O. Box 80158
Attn: Ben Hermann
Fort Wayne, IN 46898

Inspection Number: 315863571
Inspection Date(s): 02/21/2012 - 03/08/2012
Issuance Date: 07/13/2012

Inspection Site:

6230 Innovation Blvd
CK Products Manufacturing
Fort Wayne, IN 46818

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.

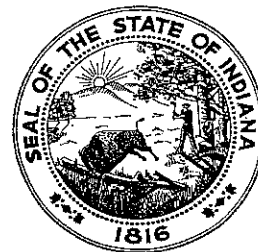
Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing 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 07/13/2012. The conference will be held at the IOSHA office located at 402 West

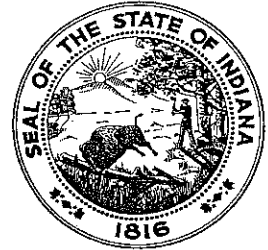
Washington Street, Room W195, Indianapolis, IN 46204 on _____ at

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

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315863571
Inspection Dates: 02/21/2012 -
03/08/2012
Issuance Date: 07/13/2012



Safety Order and Notification of Penalty

Company Name: Votaw Electric Inc.
Inspection Site: 6230 Innovation Blvd, CK Products Manufacturing, Fort Wayne, IN
46818

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

29 CFR 1926.20(b)(1); The employer did not initiate and maintain such program as may be necessary to comply with this part.

Jobsite - On February 21 2012, The employers accident prevention safety program was not effective and/or enforced in the area(s) of electrical, falls and scaffolding (Sizzor Lifts) as evident by the number of and/or types of hazards observed during the inspection.

Date By Which Violation Must be Abated: **08/29/2012**
Proposed Penalty: **\$2,500.00**

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

29 CFR 1926.20(b)(3): Machinery, tool(s), material, or equipment which was not in compliance with the applicable requirement(s) of 29 CFR 1926 was not either identified as unsafe by tagging, or locking the controls to render them inoperable, or physically removed from its place of operation:

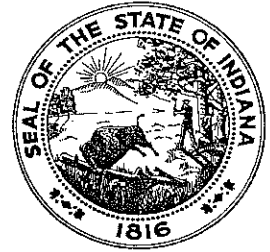
Shipping Bathroom ---- February 21, 2012 and before, The JLG Scissor lift, model number 2630 ES, serial # 0200202392 was not used in accordance with manufacturers recommendations in that the employee was observed climbing over the safety railing, as a means of access and egress to the elevated work platform 9 feet 10 inches above the lower level.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$2,500.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315863571
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Company Name: Votaw Electric Inc.
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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 3a 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:

Jobsite ----- February 21 2012 and before, Employees where not instructed in the recognition and avoidance of unsafe conditions applicable to their work environment such as but not limited to those connect with Personal Protection Equipment (PPE), electrical and fall protection.

Date By Which Violation Must be Abated: **08/29/2012**
Proposed Penalty: **\$2,500.00**

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

29 CFR 1926.454(b)(2): 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.

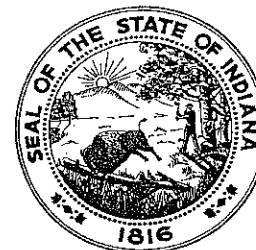
Jobsite ----- February 21, 2012, One employee, engaged in electrical work while working from a scaffold (scissor lift), exposed to falls, was not trained to recognize hazards associated with the lift.

Date By Which Violation Must be Abated: **08/29/2012**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

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Company Name: Votaw Electric Inc.
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Safety Order 1 Item 3c Type of Violation: **Serious**

29 CFR 1926.503(a)(2)(i): The employer did not assure that each employee had been trained, as necessary, by a Competent Person qualified in the nature of fall hazards in the work area.

Jobsite - February 21, 2012, One employee exposed to falls had not been trained as necessary.

Date By Which Violation Must be Abated: 08/29/2012

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

29 CFR 1926.1060(b): The employer did not provide retraining as necessary for each employee using ladders and stairways so that the employee maintained the understanding and knowledge acquired through prior training:

Jobsite - February 21, 2012; The employer did not provide retraining as necessary for each employee in the use of and hazards related to ladders.

Date By Which Violation Must be Abated: 08/29/2012

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

29 CFR 1926.403(h): Each disconnecting means for motors and appliances was not legibly marked to indicate its purpose, nor located and arranged so that the purpose is evident:

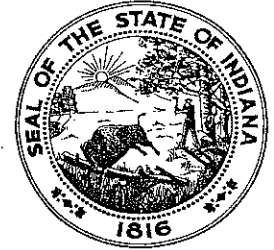
North wall Service Panel H-3, L-3a and G-3 - On February 21 2012, The circuit breaker panel(s) supplying power to the building was not marked to show the purpose of each breaker.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$1,250.00

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315863571
Inspection Dates: 02/21/2012 -
03/08/2012
Issuance Date: 07/13/2012



Safety Order and Notification of Penalty

Company Name: Votaw Electric Inc.
Inspection Site: 6230 Innovation Blvd, CK Products Manufacturing, Fort Wayne, IN
46818

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

29 CFR 1926.403(i)(2)(ii): In locations where electric equipment operating at 600 volts, nominal, or less is exposed to physical damage, enclosures or guards were not so arranged and of such strength as to prevent such damage:

North Wall, service panels ----- February 21 2012, Live electrical parts consisting of 200 amp service panel with 23 breaker slots open, operating at 440/480 volts, was not guarded or protected by any means.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$1,250.00**

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

29 CFR 1926.501(b)(1): Each employee on a walking/working surface with an unprotected side or edge which was 6 feet or more above a lower level was not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.

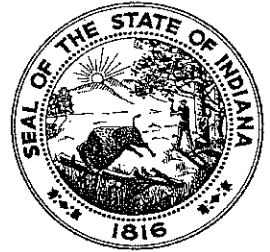
Shipping Bathrooms ----- February 21, 2012: One employee on a walking/working surface, 9 feet 10 inches above the lower level, was not protected from falls.

Date By Which Violation Must be Abated: **08/29/2012**
Proposed Penalty: **\$2,500.00**

Indiana Department of Labor

Indiana Occupational Safety and Health
Administration

Inspection Number: 315863571
Inspection Dates: 02/21/2012 - 03/08/2012
Issuance Date: 07/13/2012



Safety Order and Notification of Penalty

Company Name: Votaw Electric Inc.
Inspection Site: 6230 Innovation Blvd, CK Products Manufacturing, Fort Wayne, IN 46818

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

29 CFR 1926.1053(b)(13): The top or step of a stepladder was used as a step:

Roof hatch area - On February 23, 2012: Employee(s) were not prevented from standing on the top cap or step of the 12 foot step ladder used to access the roof area, through the roof hatch, 14 feet 8 inches above the lower level.

Date By Which Violation Must be Abated:
Proposed Penalty:

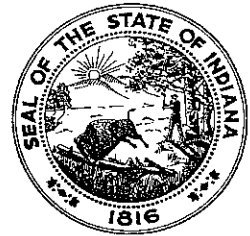
Corrected During Inspection
\$2,500.00

A handwritten signature in black ink, appearing to read "Jerry W. Lander".

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: Votaw Electric Inc.
Inspection Site: 6230 Innovation Blvd, CK Products Manufacturing, Fort Wayne, IN 46818
Issuance Date: 07/13/2012

Summary of Penalties for Inspection Number 315863571

Safety Order 01, Serious	=	\$15,000.00
Total Proposed Penalties		\$15,000.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

Corrective action taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Jerry W. Lander
Director of Construction Safety Compliance

Date

7/13/2012