

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1102800  
**Inspection Date(s):** 10/29/2015 - 10/29/2015  
**Issuance Date:** 04/04/2016



**Citation and Notification of Penalty**

**Company Name:** ABC EQUIPMENT, INC., dba C.B. MASONRY, INC  
**Inspection Site:** 4129 Central Avenue, Hot Springs, AR 71913

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Citation 1 Item 1 a** Type of Violation: **Serious**

29 CFR 1926.451(b)(1)(i): Each platform unit (e.g., scaffold plank, fabricated plank, fabricated deck, or fabricated platform) was not installed so that the space between adjacent units and the space between the platform and the uprights were no more than 1 inch (2.5 cm) wide, except where the employer can demonstrate that a wider space is necessary.

Employees worked from a supported scaffold to perform masonry activities which had excessive spacing between planks of greater than 1 inch.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/25/2016
Proposed Penalty:	\$6930.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation 1 Item 1 b Type of Violation: **Serious****

29 CFR 1926.451(h)(2)(ii): A toeboard was not erected along the edge of platforms more than 10 feet (3.1 m) above lower levels for a distance sufficient to protect employees below:

Employees worked from a supported scaffold while performing masonry activities which did not have toeboards erected along the edge of platforms to prevent ground level employees from being struck by overhead tools, materials, or equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/25/2016

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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1926.451(b)(4): Each end of a platform, which was not cleated or otherwise restrained by hooks or equivalent means, did not extend over the centerline of its support at least 6 inches:

Employees worked from a supported scaffold to perform masonry activities, which had insufficient overhang of supports or cleating.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 04/25/2016  
Proposed Penalty: \$6930.00

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1926.451(c)(1)(iii): Ties, guys, braces, or outriggers were not installed to prevent the tipping of supported scaffolds in all circumstances where an eccentric load, such as a cantilevered work platform, was applied or was transmitted to the scaffold:

Ties, guys, braces, or outriggers were not used for cantilevered work platform.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/25/2016  
\$6930.00

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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1926.451(e)(1): When scaffold platforms were more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from other scaffold, structure, personnel hoist, or similar surface was not used. Crossbraces were used as a means of access:

Instance a: Employees on a supported scaffold were using the end frames of the scaffold as a means of access from the scaffold platforms.

Instance b: Employees on a baker's scaffold were using the crossbraces of the scaffold as a means of access from the scaffold platform.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Proposed Penalty:

04/25/2016  
\$6930.00

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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1926.451(g)(1): Employees on scaffolds more than 10 feet (3.1 m) above a lower level were not protected from falling to that lower level by fall protection established in paragraphs (g)(1)(i)-(vii) of this section:

An employee unloading bricks from a pallet on raised forks of a forklift was exposed to an 18 foot fall without fall protection.

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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1926.451(g)(4)(i): Guardrail systems were not installed along all open sides and ends of platforms before being released for use by employees other than erection/dismantling crews:

Employees were working from a supported scaffold which did not have a guardrail system installed along all open sides and ends of the scaffold.

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Proposed Penalty:

04/25/2016  
\$6930.00

A handwritten signature in blue ink that reads "Carlos M. Reynolds".

**Carlos M. Reynolds**  
Area Director

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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
10810 Executive Center Drive  
Danville Bldg. 2, Suite 206  
Little Rock, AR 72211  
Phone: 501-224-1841 Fax: 501-224-2697



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** ABC EQUIPMENT, INC., dba C.B. MASONRY, INC  
**Inspection Site:** 4129 Central Avenue, Hot Springs, AR 71913  
**Issuance Date:** 04/04/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1102800</b>
<b>Citation 1, Serious</b>	<b>\$41580.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$41580.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

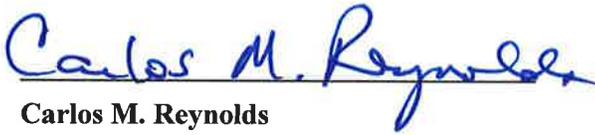
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Carlos M. Reynolds**  
Area Director

4-4-16

Date