

**State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
Santa Ana District Office**

2000 E. McFadden Avenue, Suite 122  
Santa Ana, CA 92705  
Phone: (714) 558-4451 Fax: (714) 558-2035



## CITATION AND NOTIFICATION OF PENALTY

**To:**  
Aero Pacific Corporation  
Aero Pacific Manufacturing  
and its successors  
588 Porter Way  
Placentia, CA 92870

**Inspection #:** 1204572  
**Inspection Date (s):** 01/20/2017 - 05/12/2017  
**Issuance Date:** 07/10/2017  
**CSHO ID:** Z7284  
**Optional Report #:** 025-17  
**Reporting ID:** 0950631

**Inspection Site:**  
505 Porter Way  
Placentia, CA 92870

*The violation(s) described in this Citation 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.*

**This Citation and Notification of Penalty** (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

**Informal Conference** - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
Telephone: (916) 274-5751 or (877) 252-1987  
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, at (916) 274-5751 or (877) 252-1987.

## PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, inspection number, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh/CalOSHA\\_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html) to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

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

## NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the district office listed on the Citation by submitting the Cal/OSHA 160 form with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The adjusted penalty for serious violations, if any, has already been reduced by 50% because abatement of those violations has been completed.

**Note:** Return the Cal/OSHA 160 form to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health  
Santa Ana District Office  
2000 E. McFadden Avenue, Suite 122  
Santa Ana, CA 92705  
Telephone: (714) 558-4451  
Fax: (714) 558-2035

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a district office of the Division.

**Employees Participation in Informal Conference** - Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

## DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY - Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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**Inspection Dates:** 01/20/2017 - 05/12/2017  
**Issuance Date:** 07/10/2017  
**CSHO ID:** Z7284  
**Optional Report #:** 025-17

**Citation and Notification of Penalty**

**Company Name:** Aero Pacific Corporation  
**Establishment DBA:** Aero Pacific Manufacturing  
and its successors  
**Inspection Site:** 505 Porter Way  
Placentia, CA 92870

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Citation 1 Item 1 Type of Violation: **General**

**8CCR §3203(a) Injury and Illness Prevention Program**

- (a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:
- (1) Identify the person or persons with authority and responsibility for implementing the Program.
  - (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.
  - (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.
  - (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.
    - (A) When the Program is first established;
    - (B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and
    - (C) Whenever the employer is made aware of a new or previously unrecognized hazard.
  - (5) Include a procedure to investigate occupational injury or occupational illness.
  - (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
    - (A) When observed or discovered; and,
    - (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the

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area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

- (7) Provide training and instruction:
  - (A) When the program is first established;
  - (B) To all new employees;
  - (C) To all employees given new job assignments for which training has not previously been received;
  - (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
  - (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

**Prior to and during the course of the investigation, including but not limited to on January 20, 2017, the employer failed to effectively implement and maintain an Injury and Illness Prevention Program that included all of the required elements, which are essential to an effective Program, such that:**

1. **The employer failed to identify, evaluate and correct hazards that occur in or on machinery and/or equipment used in the workplace.**
2. **The employer failed to identify, evaluate and correct the unsafe work practices of the Machine Operators who routinely clean, set-up and adjust CNC Milling Machines while the machines are running.**

**Date By Which Violation Must be Abated:** August 12, 2017  
**Proposed Penalty:** \$605.00

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**Company Name:** Aero Pacific Corporation  
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Citation 1 Item 2 Type of Violation: **General**

**8CCR §3314(g)(1) The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout**

- (g) Hazardous Energy Control Procedures. A hazardous energy control procedure shall be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing, setting-up or adjusting of prime movers, machinery and equipment.
  - (1) The procedure shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance, including but not limited to, the following:
    - (A) A statement of the intended use of the procedure;
    - (B) The procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
    - (C) The procedural steps for the placement, removal and transfer of lockout devices and tagout devices and responsibilities; and,
    - (D) The requirements for testing a machine or equipment, to determine and verify the effectiveness of lockout devices, tagout devices and other hazardous energy control devices.

**Prior to and during the course of the investigation, including but not limited to on January 20, 2017, the employer failed to develop and include in their "Lockout Tagout Blockout" Program a hazardous energy control procedure that specifically outlined the scope, purpose, authorization, rules and techniques for employees to use when cleaning, setting-up or adjusting machinery and equipment as required by this subsection.**

**Additionally, the "Purpose" description in the employer's "Lockout Tagout Blockout" program erroneously exempts equipment obtained or modified before January 2, 1990, from being equipped with lockout capability contrary to subsection (d).**

**Date By Which Violation Must be Abated:** August 12, 2017  
**Proposed Penalty:** \$605.00

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

**8CCR §3314(I)(1) The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout**

(I) Training.

- (1) Authorized employees shall be trained on hazardous energy control procedures and on the hazards related to performing activities required for cleaning, repairing, servicing, setting-up and adjusting prime movers, machinery and equipment.

**Prior to and during the course of the investigation, including but not limited to on January 20, 2017, the employer failed to train all Authorized employees (i.e., Machine Operators) on hazardous energy control procedures and the hazards related to performing cleaning, setting-up and adjusting the CNC milling machines used at the facility, as required by this subsection.**

**REFERENCE 8CCR §3314(b) Definitions**

**Authorized employee or person.**

For the purposes of this section, a qualified person who locks out or tags out specific machines or equipment in order to perform cleaning, repairing, servicing, setting-up, and adjusting operations on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties including performing cleaning, repairing, servicing, setting-up and adjusting operations covered under this section.

**Date By Which Violation Must be Abated:**

**July 28, 2017**

**Proposed Penalty:**

**\$17,550.00**

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**Citation and Notification of Penalty**

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**Inspection Site:** 505 Porter Way  
Placentia, CA 92870

Citation 3 Item 1 Type of Violation: **Serious-Accident Related**

**8CCR §3314(d) The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout**

**(d) Repair Work and Setting-Up Operations**

Prime movers, equipment, or power-driven machines equipped with lockable controls or readily adaptable to lockable controls shall be locked out or positively sealed in the “off” position during repair work and setting-up operations. Machines, equipment, or prime movers not equipped with lockable controls or readily adaptable to lockable controls shall be considered in compliance with Section 3314 when positive means are taken, such as de-energizing or disconnecting the equipment from its source of power, or other action which will effectively prevent the equipment, prime mover or machine from inadvertent movement or release of stored energy. In all cases, accident prevention signs or tags or both shall be placed on the controls of the equipment, machines and prime movers during repair work and setting-up operations

**Prior to and during the course of the investigation, including but not limited to on January 20, 2017, the employer failed to ensure that power-driven machines that are equipped with lockable or readily adaptable lockable controls were locked out or positively sealed in the “off” position during repair work and setting-up operations.**

**As a result, on January 20, 2017 an employee suffered a fatal injury while setting up the operation of the Viper CNC milling machine (Model VMG 31005AXIS, Serial No. 002816). The subject machine was not locked out or positively sealed in the “off” position and was still running while the employee was performing a set-up operation.**

**Date By Which Violation Must be Abated:** July 28, 2017  
**Proposed Penalty:** \$16,200.00

**State of California**

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**Citation and Notification of Penalty**

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Citation 4 Item 1 Type of Violation: **Serious-Accident Related**

**8CCR §4184(b) Guarding Required**

**(b) All machines or parts of machines, used in any industry or type of work not specifically covered in Group 8, which present similar hazards as the machines covered under these point of operation orders, shall be guarded at their point of operation as required by the regulations contained in Group 8.**

**Prior to and during the course of the inspection, including but not limited to on January 20, 2017, the employer failed to guard the point of operation of CNC machines in one or a combination of ways specified in the orders in Group 8, Points of Operation and Other Hazardous Parts of Machinery, or by means or methods which will provide equivalent protection for employees.**

**Reference 1: 8CCR §4600(a) Injection Molding Machine**

Every injection molding machine shall be guarded:

(a) By a sliding gate guard so designed and installed that it interposes a barrier between the dies and the operator before the dies can close and shall be so arranged that if the gate can be opened during the die closing cycle the die motion will be immediately stopped by the opening of the gate.

The sliding gate guard shall extend over the top and to each side of the dies to prevent the operator from placing his/her hands between the dies while they are closing. The danger zone on the side of the machine opposite the operator's working position shall also be guarded.

**Reference 2: 8CCR § 4318.1 Wood Shapers and Similar Equipment (Class B)**

(a) The cutting heads of each wood shaper, hand-fed panel raiser, or other similar machine not automatically fed, shall be enclosed with a cage or adjustable guard so designed as to keep the operator's hand away from the cutting edge. The diameter of circular shaper guards shall be not less than the greatest diameter of the cutter. In no case shall a warning device of leather or other material attached to the spindle be acceptable.

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<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$16,200.00</b>

Richard Fazlollahi  
Compliance Officer / District Manager

State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
Santa Ana District Office  
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## NOTICE OF PROPOSED PENALTIES

**Company Name:** Aero Pacific Corporation  
**Establishment DBA:** Aero Pacific Manufacturing  
and its successors  
**Inspection Site:** 505 Porter Way, Placentia, CA 92870  
**Mailing Address:** 588 Porter Way, Placentia, CA 92870  
**Issuance Date:** 07/10/2017  
**Reporting ID:** 0950631  
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### Summary of Penalties for Inspection Number 1204572

Citation 1 Item 1, General	\$605.00
Citation 1 Item 2, General	\$605.00
Citation 2 Item 1, Serious	\$17,550.00
Citation 3 Item 1, Serious	\$16,200.00
Citation 4 Item 1, Serious	\$16,200.00
<b>TOTAL PROPOSED PENALTIES:</b>	<b>\$51,160.00</b>

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh/CalOSHA\\_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html) to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603**

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

**DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH – CAL/OSHA  
Accounting Office - Cashiering Unit  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4291 or (415) 703-4308 Fax (415) 703-3037**

***Please mail or fax this form back to the above address to properly credit your payment.***

**PENALTY REMITTANCE FORM**

<b>CIVIL PENALTY INFO</b>	<b>INSPECTION NO.:</b> 1204572	<b>REPORTING ID:</b> 0950631
<b>ESTABLISHMENT NAME:</b>	Aero Pacific Corporation	<b>FEIN/SEIN:</b> UNKNOWN
<b>CONTACT PERSON:</b>	Mark Heasley, CEO/Owner and/or Laura Cardenas, Human Resources Manager	
<b>PHONE NO.:</b>	714-961-9200	<b>FAX NO.:</b> 714-985-6169
<b>SITE ADDRESS:</b>	505 Porter Way, Placentia, CA 92870	
<b>MAILING ADDRESS:</b>	588 Porter Way, Placentia, CA 92870	

**CITATION INFORMATION:** Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this Citation, remittance is still due on all items that are not appealed.

**PAYMENT INSTRUCTIONS:**

- Put a "✓" next to the Citation(s) that you are paying.
- Write the amount paid in the "AMOUNT PAID" column.
- Please indicate the "TOTAL AMOUNT PAID".

✓	SUMMARY OF PENALTIES PAID	AMOUNT PAID
	Citation 1 Item 1, General	\$
	Citation 1 Item 2, General	\$
	Citation 2 Item 1, General	\$
	Citation 3 Item 1, Serious	\$
	Citation 4 Item 1, Serious	\$
	<b>TOTAL AMOUNT PAID</b>	<b>\$</b>

**TYPE OF PAYMENT ENCLOSED**

<b>Fill in the check, e-check reference, or money order information below:</b>	
CHECK # _____ ENCLOSED IN THE AMOUNT OF:	\$
E-CHECK REFERENCE # _____ PAID IN THE AMOUNT OF:	\$
MONEY ORDER # _____ ENCLOSED IN THE AMOUNT OF:	\$

Please make check or money order payable to Department of Industrial Relations - Cal/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order. Note: For your convenience, the Department of Industrial Relations accepts electronic payments at [www.dir.ca.gov/dosh/CalOSHA\\_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html). **Again, please mail or fax this form to the above address or fax number to ensure payments are properly credited.**