

U.S. Department of Labor
Occupational Safety and Health Administration
606 N. Carancahua, Suite 700
Corpus Christi, TX 78401
Phone: 361-888-3420 Fax: 361-888-3424



Citation and Notification of Penalty

To:
Galaxy Bowling Center, L.P.
and its successors
3451 Pablo Kisel Blvd
Brownsville, TX 78526

Inspection Number: 1044858
Inspection Date(s): 03/06/2015 - 03/06/2015
Issuance Date: 09/02/2015

Inspection Site:
3451 Pablo Kisel Blvd
Brownsville, TX 78526

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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on 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 process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/02/2015. The conference will be held by telephone or at the OSHA office located at 606 N.

Carancahua, Suite 700, Corpus Christi, TX 78401 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1044858

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526
Issuance Date: 09/02/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" or "Quick Fix" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 606 N. Carancahua, Suite 700, Corpus Christi, TX 78401**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

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

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment, and a place of employment, which was free from recognized hazards that were causing, or likely to cause, death or serious physical harm to employees in that employees were exposed to struck-by and impalement hazards:

On and before March 6, 2015, above bowling lanes 27 through 40, employees were exposed to plastic shrapnel pieces from exploding PVC piping. Employees worked in close proximity to a one (1) inch schedule 40 PVC piping system which had been installed to transport compressed air from the compressor to the bowling lane bumpers.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to 1) Encase the PVC in conduit or shatter resistant material of sufficient strength or subject only approved plastic piping to compressed air as recommended in the Plastic Pipe Institute Recommendation B, dated January 19, 1972, and revised December 30, 2005. 2) Replace the existing PVC line with pipe designed to transport compressed air to a valve to control the air flow, and then use PVC pipe for unrestricted air flow.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 4,900.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

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

29 CFR 1910.23(c)(3): Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards were not guarded with a standard railing and toe board:

On or before March 6, 2015, employees were exposed to falls into the forty (40) pin setting machine equipment while working on platforms located five (5) feet above the moving pin setting equipment that were not protected with rails and toe boards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 4,900.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

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

29 CFR 1910.24(b): Fixed stairs were not provided where access to elevations was daily, or at each shift, for such purposes as gauging, inspection, regular maintenance, etc., where such work may expose employee(s) to acids, caustics, gases, or other harmful substances, or for which purposes the carrying of tools or equipment by hand is normally required:

On and before March 6, 2015, located in the rear of the bowling alley, employees accessing bowling machines were exposed to slips and falls when using inadequate fixed stairs.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 4,200.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

On March 6, 2015, and times prior thereto, the employer failed to keep emergency exit doors free from obstructions at the following locations:

- a. the east emergency exit door, and
- b. the west emergency exit door.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/24/2015
Proposed Penalty: \$ 2,800.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment was isolated from the energy source and rendered inoperative:

On and before March 6, 2015, the employer did not establish an energy control program consisting of energy control procedures, employee training and periodic inspections to ensure that prior to an employee performing servicing, such as, but not limited to, retrieving bowling balls or resetting pins for the forty (40) pin setting machines to protect employees exposed to moving and energized parts.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/24/2015
Proposed Penalty: \$ 7,000.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

On and before March 6, 2015, located in the rear of the bowling alley for each of the forty (40) bowling lanes, employees walked and worked on the floor at the rear of the bowling lanes and were exposed to rotating parts and flying bowling pins from the unguarded entrance (elevator) of each machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 7,000.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

On and before March 6, 2015, on all forty (40) lanes at this location, the employer did not assure employees were protected from the hazard of being caught-in rotating parts. An employee resetting the re-spot cell on the pin setting machine for lane thirty (30) was exposed to inadequately guarded horizontal metal shafts located three (3) feet ten (10) inches from the floor. The opening is three (3) feet and the shaft is located sixteen (16) inches behind the opening that employees use to access the pin setting machine.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 7,000.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

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 8 a Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

On and before March 6, 2015, for each of the forty (40) bowling lanes located at the rear of the bowling alley, employees resetting pins were exposed to unguarded pulleys driving the ball return mechanisms for the pin setting machines.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 4,900.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

Citation 1 Item 8 b Type of Violation: **Serious**

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven (7) feet or less from the floor level were not guarded with a guard that extended to at least fifteen (15) inches above the belt:

On or before March 6, 2015, for each of the forty (40) lanes at this location, employees were exposed to unguarded horizontal belts on pin setting machines that were located fifty-six (56) inches above the floor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/24/2015



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i)(D): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by elevation of 2.44 m (8.0 ft.) or more above the floor or other working surface:

On March 6, 2015, and times prior thereto, on lane twenty-three (23), employees worked in close proximity to an pin setter control board where the energized main conductor had been cut and wrapped with clear plastic tape exposing employees to electrical hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 4,900.00



Citation and Notification of Penalty

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

On March 6, 2015, at a bowling center lane, employees were using an air compressor and the electrical cord was not provided strain relief.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/24/2015
Proposed Penalty:	\$ 2,800.00


for Antono Fuentes, Jr.
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
606 N. Carancahua, Suite 700
Corpus Christi, TX 78401
Phone: 361-888-3420 Fax: 361-888-3424



INVOICE / DEBT COLLECTION NOTICE

Company Name: Galaxy Bowling Center, L.P.
Inspection Site: 3451 Pablo Kisel Blvd, Brownsville, TX 78526
Issuance Date: 09/02/2015

Summary of Penalties for Inspection Number	1044858
Citation 1, Serious	\$ 50,400.00
TOTAL PROPOSED PENALTIES	\$ 50,400.00

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. 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.



 Antonio Fuentes, Jr.
Area Director

September 2, 2015

Date

U.S. Department of Labor

Occupational Safety and Health Administration

Corpus Christi Area Office
606 N. Carancahua, Suite 700
Corpus Christi, Texas 78401
Phone: 361-888-3420 Fax: 361-888-3424
Email: OSHACorpusChristi@dol.gov
<http://www.osha.gov>



Dear Employer:

Under a law passed by congress in 1996, the Small Business Administration (SBA) has established a SBA Ombudsman and SBA Regional Fairness Board to investigate small business complaints pertaining to federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA), you may file a written, signed complaint with the SBA Ombudsman at:

SBA Ombudsman
Office of the National Ombudsman
409 Third Street, S.W., MC2120
Washington, DC 20024-0005
Phone: (202) 205-2417
Fax: (202) 481-5719

You can also access and download the Complaint/Comment form by visiting their website at:

<http://sba.gov/aboutsba/sbaprograms/ombudsman/index.html>

Or, call Toll Free: 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with an OSHA citation or other enforcement action. Nor, does it mean you need not take other available legal steps to protect your interests.

Your support in worker occupational health and safety is appreciated.

Antonio Fuentes, Jr.

Antonio Fuentes, Jr
Area Director