

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9116 Fax: (808) 586-9104



Certified Mail Number:

Citation and Notification of Penalty

To:
Rui Construction Inc
and its successors
155 Sand Island Access Rd
Honolulu, HI 96819

Inspection Number: 1297672
Inspection Date(s): 02/27/2018-02/27/2018
Issuance Date: 04/18/2018

Inspection Site:
1122-A 11th Avenue
Honolulu, HI 96816

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 describes violations of the Hawaii Occupational Safety and Health (HIOSH) Law. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you file a contest in the manner described in the section "Employer's Right to Contest" on page 2 of this Citation and Notification of Penalty. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this Citation. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as allowed by Law or, if contested, the Citation is affirmed by the Hawaii Labor Relations Board (HLRB) 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 State 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 HIOSH Administrator during the 20 calendar 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. If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must 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 Administrator within 20 calendar 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 page 5, 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.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may also contest all citation items or only individual items. You may also contest the penalty and/or abatement dates without contesting the underlying violations. To contest you must submit a signed original letter of contest to the Administrator which must be postmarked or, if not mailed, received by the Administrator within 20 calendar days after you receive this Citation and Notification of Penalty. The letter of contest must be a signed original and may not be submitted by facsimile or e-mail. Address your letter of contest to the State of Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty. Once a letter of contest is received, it becomes the jurisdiction of the HLRB. If a timely contest is not filed, the Citation and Notification of Penalty will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number found on the front page on the remittance. HIOSH does not agree to any restrictions or 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 each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the Citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Citation is classified as Serious and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the Citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement. The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

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 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - 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 signed original contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty and postmarked within 20 calendar days 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 inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. 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.

ABATEMENT CERTIFICATION

Company Name: Rui Construction Inc
Inspection Site: 1122-A 11th Avenue Honolulu, HI 96816

Inspection Number: 1297672
Issuance Date: 04/18/2018

List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected During Inspection" and return to: **Department of Labor and Industrial Relations - Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 423, Honolulu, HI 96813.**

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Signature of the Employer or
Employer's Authorized Representative

Date

Typed or Printed Name

Title

Posting: For posting requirements please refer to Chapter 12-51, Hawaii Administrative Rules.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with the Hawaii Occupational Safety and Health Division (HIOSH) to discuss the Citation and Notification of Penalty issued on 04/18/2018.

The informal conference will be at the HIOSH office located at:

830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813

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

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1297672
Inspection Date: 02/27/2018-02/27/2018
Issuance Date: 04/18/2018



Citation and Notification of Penalty

Company Name: Rui Construction Inc
Inspection Site: 1122-A 11th Avenue Honolulu, HI 96816

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

29 CFR 1926.501(b)(13)[Refer to 12-110-50(a), HAR]: "Residential construction." Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure.

East side of roof - Four employees were engaged in the installation of roof sheathing 20 feet above ground with no means of fall protection, thus exposing the employees to a fall hazard with the potential to sustain serious bodily injuries.

RUI CONSTRUCTION INC. WAS **PREVIOUSLY CITED** FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.501(B)(10), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 316274067, CITATION NUMBER 1, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER DATE ON JULY 21, 2014 WITH RESPECT TO A WORKPLACE LOCATED AT 931 10TH AVENUE.

RUI CONSTRUCTION INC. WAS **PREVIOUSLY CITED** FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.501(B)(10), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1024989, CITATION NUMBER 2, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER DATE ON MARCH 27, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 748 LUAWAI STREET.

RUI CONSTRUCTION INC. WAS **PREVIOUSLY CITED** FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.501(B)(13), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1074624, CITATION NUMBER 1, ITEM NUMBER 3, AND WAS AFFIRMED AS A FINAL ORDER DATE ON DECEMBER 9, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 1801 LANAKILA AVENUE.

RUI CONSTRUCTION INC. WAS **PREVIOUSLY CITED** FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.501(B)(13), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1205638, CITATION NUMBER 2, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER DATE ON MARCH 20, 2017, WITH RESPECT TO A WORKPLACE LOCATED AT 1215 MATLOCK AVENUE.

RUI CONSTRUCTION INC. WAS **PREVIOUSLY CITED** FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.501(B)(13), WHICH WAS CONTAINED IN



Citation and Notification of Penalty

Company Name: Rui Construction Inc
Inspection Site: 1122-A 11th Avenue Honolulu, HI 96816

HIOSH INSPECTION NUMBER 1219749, CITATION NUMBER 1, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER DATE ON MAY 18, 2017, WITH RESPECT TO A WORKPLACE LOCATED AT 812 19TH AVENUE.

Date by Which Violation Must Be Abated: 24/04/2018
Proposed Penalty: \$62,471.00

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

29 CFR 1926.95(a)[Refer to 12-110-50(a), HAR]: "Application." Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

East side of roof - An employee with no eye protection was engaged in the installation of roof sheathing using a Rigid pneumatic nail gun with unknown serial number. Use of nail guns with no eye protection exposed the employee to potentially serious bodily injuries.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.95(A), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1024989, CITATION NUMBER 1, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER DATE ON MARCH 27, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 748 LUAWAI STREET.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.95(A), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1074624, CITATION NUMBER 1, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER DATE ON DECEMBER 9, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 1801 LANAKILA AVENUE.



Citation and Notification of Penalty

Company Name: Rui Construction Inc
Inspection Site: 1122-A 11th Avenue Honolulu, HI 96816

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$19,921.00

Citation 2 Item 2 a Type of Violation: **Repeat-Serious**

29 CFR 1926.503(a)(1)[Refer to 12-110-50(a), HAR]: The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

1122 11th Avenue - Four employees, who were exposed to various fall hazards at a residential project site, did not receive training in fall hazards and protection. Employees exposed to fall hazards could potentially sustain serious bodily injuries.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.503(A)(1), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 316274067, CITATION NUMBER 1, ITEM NUMBER 2A, AND WAS AFFIRMED AS A FINAL ORDER DATE ON JULY 23, 2014, WITH RESPECT TO A WORKPLACE LOCATED AT 931 10TH AVENUE.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.503(A)(1), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1024989, CITATION NUMBER 2, ITEM NUMBER 2, AND WAS AFFIRMED AS A FINAL ORDER DATE ON MARCH 27, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 748 LUAWAI STREET.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.503(A)(1), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1074624, CITATION NUMBER 3, ITEM NUMBER 2, AND WAS AFFIRMED AS A FINAL ORDER DATE ON DECEMBER 9, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 1801 LANAKILA AVENUE.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1297672
Inspection Date: 02/27/2018-02/27/2018
Issuance Date: 04/18/2018



Citation and Notification of Penalty

Company Name: Rui Construction Inc
Inspection Site: 1122-A 11th Avenue Honolulu, HI 96816

Date by Which Violation Must Be Abated: 23/05/2018
Proposed Penalty: \$19,921.00

Citation 2 Item 2 b Type of Violation: **Repeat-Serious**

29 CFR 1926.503(b)(1)[Refer to 12-110-50(a), HAR]: The employer shall verify compliance with paragraph (a) of this section by preparing a written certification record. The written certification record shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted by another employer or completed prior to the effective date of this section, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of actual training.

1122 11th Avenue - The employer had not completed written fall protection certification records for four employees who were exposed to various fall hazards at a project site. Employees exposed to fall hazards could potentially sustain serious bodily injuries while working at elevated heights.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.503(B)(1), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1074624, CITATION NUMBER 4, ITEM NUMBER 1, AND WAS AFFIRMED AS A FINAL ORDER DATE ON DECEMBER 9, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 1801 LANAKILA AVENUE.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.503(B)(1), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 1024989, CITATION NUMBER 2, ITEM NUMBER 3, AND WAS AFFIRMED AS A FINAL ORDER DATE ON MARCH 27, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 748 LUAWAI STREET.

RUI CONSTRUCTION INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS HAWAII OCCUPATIONAL SAFETY AND HEALTH STANDARD 1926.503(B)(1), WHICH WAS CONTAINED IN HIOSH INSPECTION NUMBER 316274067, CITATION NUMBER 1, ITEM NUMBER 2B, AND WAS



Citation and Notification of Penalty

Company Name: Rui Construction Inc
Inspection Site: 1122-A 11th Avenue Honolulu, HI 96816

AFFIRMED AS A FINAL ORDER DATE ON JULY 23, 2014, WITH RESPECT TO A WORKPLACE LOCATED AT 931 10TH AVENUE.

Date by Which Violation Must Be Abated: 23/05/2018
Proposed Penalty: \$0.00

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.31(a)[Refer to 12-52.1-1(e), HAR]: Basic requirement. You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

Project site - The employer failed to record and keep a record of the OSHA 300 log for injuries and illnesses. During a HIOSH inspection the employer stated that he had a total of 12 employees.

Date by Which Violation Must Be Abated: 23/05/2018
Proposed Penalty: \$0.00

NORMAN AHU
Administrator

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9116 Fax: (808) 586-9104



SUMMARY OF PENALTIES

Company Name: Rui Construction Inc
Inspection Site: 1122-A 11th Avenue Honolulu, HI 96816
Issuance Date: 04/18/2018

Summary of Penalties for Inspection Number: 1297672

Citation 1 Item 1, Repeat-Serious	\$62,471.00
Citation 2 Item 1, Repeat-Serious	\$19,921.00
Citation 2 Item 2a, Repeat-Serious	\$19,921.00
Citation 2 Item 2b, Repeat-Serious	\$0.00
Citation 3 Item 1, Other-than-Serious	\$0.00
TOTAL PENALTIES:	\$102,313.00

Make check or money order payable to the "**Director of Budget and Finance.**" Please indicate the *inspection number and dba, if company name is different, on the remittance.* A fee of \$25.00 will be charged for any returned checks.