

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2183 Northlake Parkway  
Building 7, Suite 110  
Tucker, GA 30084  
Phone: (770)493-6644 FAX: (770)493-7725



F/c 10/26/2011

## Citation and Notification of Penalty

**To:**  
Juan Sagredo  
and its successors  
3748 Pin Oak Circle  
Doraville, GA 30340

**Inspection Number:** 314209164  
**Inspection Date(s):** 04/11/2011-04/11/2011  
**Issuance Date:** 09/30/2011

**Inspection Site:**  
6001 Cumming Hwy, Ste 400  
Sugar Hill, GA 30518

*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. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form.

**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. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**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.

OSHA 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.

**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 page 4 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.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 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 citations state that the 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 front page); 3) the citation and the 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 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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 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](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

**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.



IN THE EVENT THAT YOU REQUEST AN INFORMAL CONFERENCE  
PLEASE FILL OUT AND POST THIS NOTICE

### NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/30/2011. The conference will be held at the OSHA office located at 2183 Northlake Parkway, Building 7, Suite 110, Tucker, GA, 30084 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.





**Citation and Notification of Penalty**

**Company Name:** Juan Sagredo  
**Inspection Site:** 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518

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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.

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

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

On or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Suite 400, Sugar Hill, Georgia:

- a) The employer did not develop a written Hazard Communication Program where employees are required to use materials with silica and hexavalent chromium while cutting and laying brick, and performing cement mixing operations.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:	10/12/2011
Proposed Penalty:	\$ 3300.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Juan Sagredo  
**Inspection Site:** 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518

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

29 CFR 1910.1200(g)(8): The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace:

(Construction Reference: 1926.59)

On or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Suite 400, Sugar Hill, Georgia:

- a) The employer did not maintain copies of the material safety data sheets to inform employees of the specific hazards of the materials that contained silica and hexavalent chromium they used while cutting and laying brick and performing cement mixing operations.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

**Date By Which Violation Must be Abated:** 10/12/2011

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

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area: (Construction Reference: 1926.59)

On or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Sugar Hill, Georgia:

- a) The employer did not provide employees information and training on the hazardous materials that contained silica and hexavalent chromium the employees used while cutting and laying brick, and performing cement mixing operations.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

**Date By Which Violation Must be Abated:** 10/12/2011

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**Citation and Notification of Penalty**

**Company Name:** Juan Sagredo  
**Inspection Site:** 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518

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

29 CFR 1926.102(a)(1): Eye and face protective equipment was not used when machines or operations presented potential eye or face injury:

On or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Suite 400, Sugar Hill, Georgia:

- a) Employees were exposed to eye injury from struck-by hazards and impalement from debris when dry cutting brick with trowels and using a cement mixer.

Juan Sagredo was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1926.102(a)(1) which was contained in OSHA inspection #311041982, Citation 1, Item 2, and was affirmed as a final order on October 06, 2008, with respect to a workplace located at 515 Peachtree Pkwy., Cumming, GA 30041.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

Date By Which Violation Must be Abated:	10/12/2011
Proposed Penalty:	\$ 7920.00

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**Citation and Notification of Penalty**

Company Name: Juan Sagredo  
Inspection Site: 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518

**Citation 2 Item 2 Type of Violation: Repeat**

29 CFR 1926.300(b)(2): Moving part(s) of equipment exposed to contact by employees or which otherwise created a hazard, were not guarded:

On or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Suite 400, Sugar Hill, Georgia:

- a) Employees were exposed to caught in-between hazards from rotating parts and an ingoing nip point while operating a cement mixer. The motor was not covered to protect the employees from the exposed belt, and pulley.
- b) Employees were exposed to caught in-between hazards from the rotating auger while operating a cement mixer. The mixer guard was in the raised position while using a tool in the mixer in close proximity to the exposed auger.

Juan Sagredo was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1926.300(b)(2) which was contained in OSHA inspection #311041982, Citation 1, Item 3, and was affirmed as a final order on October 6, 2008, with respect to a workplace located at 515 Peachtree Pkwy., Cumming, GA 30041.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 6600.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Juan Sagredo  
**Inspection Site:** 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518

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**Citation 2 Item 3 Type of Violation: Repeat**

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 another scaffold, structure, personnel hoist, or similar surface was not used:

On or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Suite 400, Sugar Hill, Georgia: An employee was exposed to a fall hazard of approximately 13-feet while climbing the scaffold frame to gain access to other levels of the scaffold on the west side of the building.

Juan Sagredo was previously cited for a violation of this occupational safety and health standard or its equivalent standard:

- a) 1926.451(e)(1) which was contained in OSHA inspection #311041982, Citation 1, Item 5, and was affirmed as a final order on October 06, 2008, with respect to a workplace located at 515 Peachtree Pkwy., Cumming, GA 30041.
- b) 1926.451(e)(9)(iv) which was contained in OSHA inspection #312778681, Citation 2, Item 1, with respect to a workplace located at 1205 Johnson Ferry Road, Marietta, GA 30068, which became a final order on August 4, 2010.

This is a second repeat violation of this same or similar standard.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	10/12/2011
Proposed Penalty:	\$ 23100.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Juan Sagredo  
**Inspection Site:** 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518

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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 resulting from an accident.

**Citation 2 Item 4a Type of Violation: Repeat**

29 CFR 1926.451(g)(4)(i): Guardrail systems were not installed along all open sides and ends of platforms:

ON or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Suite 400, Sugar Hill, Georgia:

- a) Employees were exposed to fall hazards of approximately 17-feet while performing brick mason work from a fabricated frame scaffold that was not equipped with guardrails on all open ends of working platforms.

Juan Sagredo was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.451(g)(4)(i):

- a) Which was contained in OSHA inspection #311041982, Citation 1, Item 6, and was affirmed as a final order on October 06, 2008, with respect to a workplace located at 515 Peachtree Pkwy., Cumming, GA 30041.
- b) Which was contained in OSHA inspection #312778681, Citation 2, Item 2, and was affirmed as a final order on August 4, 2010, with respect to a workplace located at 1205 Johnson Ferry Road, Marietta, GA 30068.
- c) Which was contained in OSHA inspection #314637570, Citation 2, Item 1, and was affirmed as a final order on February 18, 2011, with respect to a workplace located at 4880 Lower Roswell Road, Marietta, GA 30067.

This is a third repeat violation of this same or similar standard.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	10/12/2011
Proposed Penalty:	\$ 61600.00

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**Citation and Notification of Penalty**

Company Name: Juan Sagredo  
Inspection Site: 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518

**Citation 2 Item 4b Type of Violation: Repeat**

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

On or about April 11, 2011, at the Auto Zone located at 6001 Cumming Hwy, Suite 400, Sugar Hill, Georgia:

- a) Employees were exposed to struck-by hazards caused by falling tools and materials from a tubular welded frame scaffold that was being used to perform brick mason work. The employer did not ensure that employees working beneath the scaffold were protected by toeboards.

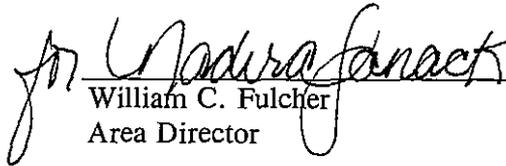
Juan Sagredo was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1926.451(h)(1):

- a) Which was contained in OSHA inspection #312778681, Citation 1, Item 1, and was affirmed as a final order on August 4, 2010, with respect to a workplace located at 1205 Johnson Ferry Road, Marietta, GA 30068.
- b) Which was contained in OSHA inspection #314637570, Citation 2, Item 2, and was affirmed as a final order on February 18, 2011, with respect to a workplace located at 4880 Lower Roswell Road, Marietta, GA 30067.

This is a second repeat violation of this same or similar standard.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: 10/12/2011

  
William C. Fulcher  
Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
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Building 7, Suite 110  
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## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Juan Sagredo  
**Inspection Site:** 6001 Cumming Hwy, Ste 400, Sugar Hill, GA 30518  
**Issuance Date:** 09/30/2011

**Summary of Penalties for Inspection Number 314209164**

<b>Citation 1, Serious</b>	= \$	<b>3300.00</b>
<b>Citation 2, Repeat</b>	= \$	<b>99220.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>102520.00</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.

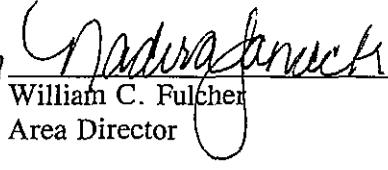
OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

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 4%. 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.

*for*   
\_\_\_\_\_  
William C. Fulcher  
Area Director

9-30-2011  
Date