

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1400 Old Country Road  
Suite 208  
Westbury, NY 11590  
Phone: 516-334-3344 Fax: 516-334-3326



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## Citation and Notification of Penalty

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**To:**  
Painting & Decorating, Inc. / AG Painting &  
Decorating Inc.  
1919 Lakeland Ave.  
Ronkonkoma, NY 11749

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013

**Inspection Site:**  
1900 Northern Blvd.  
Manhasset, NY 11030

*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.*

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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](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 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](http://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 11/27/2013. The conference will be held by telephone or at the OSHA office located at 1400 Old Country Road, Suite 208, Westbury, NY 11590 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 909337**

Company Name: Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
Inspection Site: 1900 Northern Blvd., Manhasset, NY 11030  
Issuance Date: 11/27/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1400 Old Country Road, Suite 208, Westbury, NY 11590**

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:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.95(a): Personal protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, was not provided, used, or maintained in a sanitary and reliable condition it was 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.

(a) The employer does not require each employee to use eye or face protection when physical, chemical, or radiological hazards are present at its worksites. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees were mixing and applying Fibered Stucco FS-200 (containing Crystalline Silica, Portland Cement, and Dolomite) without eye protection. To abate this violation, the employer must ensure that employees use the appropriate personal protective equipment to protect against eye and face injuries.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with 29 CFR 1926.95(a), including an explanation of how these steps protect its employees.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$2970.00



**Citation and Notification of Penalty**

Company Name: Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
Inspection Site: 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.451(c)(2)(i): Footings were not level, sound, rigid, and capable of supporting the loaded scaffold without settling or displacement:

a) The employer does not require scaffolds to be erected on footings that will not settle; or would cause them to become displaced. This violation was most recently observed on May 31, 2013 and June 3, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where two employees were not protected from scaffold collapse and fall hazards, of 26'-6" to the ground, on the northeast fabricated frame scaffold, which was erected on footings that were settling under the loaded weight of the scaffold. To abate this violation, the employer must ensure that its scaffolds are properly erected on footings are level, sound, rigid, and capable of supporting the loaded scaffold, without settling or displacement; and that no employee shall be permitted to access a scaffold unless those conditions exist.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with 29 CFR 1926.451(c)(2)(i), including an explanation of how these steps protect its employees that works on its scaffolds.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$6930.00



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.451(c)(3): Supported scaffold poles, legs, post, frames, and/or uprights were not plumb and braced to prevent swaying and displacement:

(a) The employer does not require scaffolds to be plumbed or braced, such that it would prevent them from swaying; or becoming displaced. This violation was most recently observed on May 31, 2013 and June 3, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees were working from the northeast fabricated frame scaffold, which was not vertically plumb and exposed the employees to falls of 26'-6" to the ground below. To abate this violation, the employer must ensure that its scaffolds are plumb or braced to prevent them from swaying or becoming displaced, and that no employee accesses a scaffold until this protection is provided.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with 29 CFR 1926.(c)(3), including an explanation of how these steps protect the employees that work on its scaffolds.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$6930.00



**Citation and Notification of Penalty**

Company Name: Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
Inspection Site: 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.451(e)(9)(iv): Cross braces on tubular welded frame scaffolds were used as a means of access or egress.

(a) The employer does not require each employee to use a safe means of access during scaffold erection. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where an employee erecting the north fabricated frame scaffold used the cross braces, by climbing on them, as a means of access and egress. To abate this violation, the employer must provide and ensure employees use a safe means of access when erecting its scaffolds; including the direction and supervision by competent persons it designates, to ensure that employees are erecting scaffolds properly.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(e)(9)(i)-(iv), including an explanation of how these steps protect the employees that erect its scaffolds.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$6930.00



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.451(g)(2): The employer did not provide fall protection for employees erecting or dismantling supported scaffolds:

(a) The employer does not require each employee to use a form of fall protection during scaffold erection or dismantling. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where an employee was erecting the north fabricated frame scaffold without fall protection, exposing him to fall of 13' to the ground below. To abate this violation, the employer must ensure that its employees performing scaffold erection are protected from falls; and that no employee is permitted to erect scaffolds without fall protection, unless a competent person has determined that it is infeasible or the use of such protection creates a greater hazard.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(g)(2), including an explanation of how these steps protect its employees from fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$6930.00



### Citation and Notification of Penalty

Company Name: Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
Inspection Site: 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

(a) The employer does not require each employee to wear a protective helmet, when head injuries could result at its worksites. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees working, without protective helmets, were in danger of being struck on the head by objects, such as, but not limited to tools and buckets of stucco that were being used by the employee(s) working directly above them. To abate this violation, the employer must ensure that each employee wears a protective helmet when an injury to the head could occur from impact; falling or flying objects; or from electrical shock and burns.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 1926.100, including an explanation of how these steps protect its employees.

#### REPEAT VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.100(a), which was contained in OSHA inspection number 311133417, citation number 3, item number 2, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.100(a), which was contained in OSHA inspection number 311133540, citation number 2, item number 2, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 12 Laurel Drive, Great Neck, NY.

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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.100(a), which was contained in OSHA inspection number 307612861, citation number 1, item number 1, and was affirmed as a final order on March 31, 2010, with respect to a workplace located at 110-40 68th Drive, Forest Hills, NY.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 1926.100, including an explanation of how these steps protect its employees.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$55440.00

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.451(b)(1): Each platform on all working levels of scaffolds was not fully planked or decked between the front uprights and the guardrail supports as specified in paragraphs 1926.451(b)(1)(i)-(ii)

(a) The employer does not require each platform on all working levels of scaffolds to be fully planked or decked. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where two employees were working on platforms, on all four levels, of the northeast fabricated frame scaffold, which were not fully planked or decked; and had openings ranging from 10-3/4" to 20" between the 57" wide uprights. The two employees were exposed to falls of 7'-3", 13'-6", 20', and 26'-6" to the ground below. To abate this violation, the employer must ensure that each platform on all working levels of its scaffolds are fully planked or decked between the front uprights and the guardrail supports.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(b)(1)(i)-(ii).

#### REPEAT VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 311133417, citation number 3, item number 3, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 311133540, citation number 2, item number 3, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 12 Laurel Drive, Great Neck, NY.



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 307612861, citation number 1, item number 2, and was affirmed as a final order on March 31, 2010, with respect to a workplace located at 110-40 68th Drive, Forest Hills, NY.

**WILLFUL VIOLATIONS**

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 311133417, citation number 2, item number 1, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 311140651, citation number 2, item number 1, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 20 Lighthouse Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(b)(1), which was contained in OSHA inspection number 311140974, citation number 2, item number 1, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 9 Briar Lane, Kings Point, NY.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(b)(1)(i)-(ii).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 12/04/2013  
Proposed Penalty: \$55440.00



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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

29 CFR 1926.451(c)(1): Supported scaffolds with a height to base width (including outrigger supports, if used) ratio of more than four to one (4:1) were not restrained from tipping by guying, tying, bracing, or equivalent means, as set forth in subparagraphs (i) - (iii) of this paragraph.

(a) The employer does not require scaffolds to be restrained, to prevent them from tipping, when the height to base width ratio is more than four to one (4:1). This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees were working from and below the northeast fabricated frame scaffold, which had a height to base width ratio of 5.3:1 and was not restrained to prevent it from tipping. Employees were exposed to falls of up to 26'-6" to the ground below; being caught under the scaffold if it collapsed; and caught between the scaffold and the building if it tipped over. To abate this violation, the employer must ensure its scaffolds are restrained to prevent them from tipping, when height to base width ratios are more than 4:1, and that no employee accesses a scaffold until this protection is provided.

(b) The employer does not require scaffolds to be restrained, to prevent them from tipping, when the height to base width ratio is more than four to one (4:1). This violation was most recently observed on June 3, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees altered the northeast fabricated frame scaffold, which had a height to base width ratio of 6:1 and was not restrained to prevent it from tipping. Employees were exposed to falls of up to 26'-6" to the ground below; being caught under the scaffold if it collapsed; and caught between the scaffold and the building if it tipped over. To abate this violation, the employer must ensure its scaffolds are restrained to prevent them from tipping, when height to base width ratios are more than 4:1, and that no employee accesses a scaffold until this protection is provided.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(c)(1)(i)-(iii).

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

**Inspection Number:** 909337  
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**SERIOUS VIOLATION**

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(c)(1), which was contained in OSHA inspection number 311133417, citation number 1, item number 6, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(c)(1)(i)-(iii).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$13860.00

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



### Citation and Notification of Penalty

Company Name: Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
Inspection Site: 1900 Northern Blvd., Manhasset, NY 11030

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#### Citation 2 Item 4 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 other scaffold, structure, personnel hoist, or similar surface was not used. Crossbraces were used as a means of access.

(a) The employer does not require each employee, accessing scaffolds, to use of a safe means of access when the platforms are more than 2 feet above or below a point of access. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where two employees were ascending and descending from the four working levels of the northeast fabricated frame scaffold by climbing on the end frames and cross bracing, exposing them to falls of 26'-6" to the ground below. To abate this violation, the employer must provide and ensure employees use a safe means of access on its scaffolds when platforms are more than 2 feet above or below a point of access.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance 29 CFR 1926.451(e)(1).

#### REPEAT VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(1), which was contained in OSHA inspection number 311133417, citation number 3, item number 4, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(1), which was contained in OSHA inspection number 311133540, citation number 2, item number 5, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 12 Laurel Drive, Great Neck, NY.

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



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(1), which was contained in OSHA inspection number 307612861, citation number 1, item number 3, and was affirmed as a final order on March 31, 2010, with respect to a workplace located at 110-40 68th Drive, Forest Hills, NY.

**WILLFUL VIOLATIONS**

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(1), which was contained in OSHA inspection number 311133417, citation number 2, item number 3, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(1), which was contained in OSHA inspection number 311140651, citation number 2, item number 3, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 20 Lighthouse Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(e)(1), which was contained in OSHA inspection number 311140974, citation number 2, item number 3, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 9 Briar Lane, Kings Point, NY.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance 29 CFR 1926.451(e)(1).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$55440.00



### Citation and Notification of Penalty

Company Name: Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
Inspection Site: 1900 Northern Blvd., Manhasset, NY 11030

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#### Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1926.451(f)(3): Scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift, and after any occurrence which could affect a scaffold's structural integrity:

(a) The employer does not require scaffolds to be inspected for visible defects, by a competent person, before each work shift or after any occurrence that could affect a scaffolds structural integrity. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees were working from the northeast fabricated frame scaffold, which was did not have a means of access; lacked guardrails and/or a personal fall arrest system; had platforms on working levels that were not fully planked; was erected on footings that were settling under the weight of the scaffold; and had a height to base width ratio of 5.3:1 and was not restrained to prevent tipping, exposing the employees to falls of 26'-6" to the ground below. To abate this violation, the employer must inspect its scaffolds for visible defects, by competent persons it designates, prior to each work shift or after any occurrence that could affect a scaffolds structural integrity.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with 29 CFR 1926.452(f)(3), including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities.

#### REPEAT VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(f)(3), which was contained in OSHA inspection number 311133417, citation number 3, item number 5, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.451(f)(3), which was contained in OSHA inspection number 311133540, citation number 2, item number 6, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 12 Laurel Drive, Great Neck, NY.

See pages 1 through 4 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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with 29 CFR 1926.452(f)(3), including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$55440.00

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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#### Citation 2 Item 6 Type of Violation: **Repeat**

29 CFR 1926.451(f)(7): Scaffolds were not erected, moved, dismantled, or altered, by trained and experienced employees under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration;; Such activities were not performed only by experienced and trained employees selected for such work by the competent person.

(a) The employer does not require scaffolds to be erected, moved, dismantled, or altered under the supervision and direction of a, qualified, competent person. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where an untrained employee erected the north fabricated frame scaffold, without being supervised or directed, by a competent person. The employee was exposed to fall hazards of up to 13' to the ground below. To abate this violation, the employer must erect its scaffolds with trained and experienced employees that are chosen, supervised, and directed by competent persons who are qualified; and that it designates.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with 29 CFR 1926.452(f)(7), including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities; and the names and qualifications of the persons who will erect, move, dismantle, or alter its scaffolds.

#### REPEAT VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 311133417, citation number 3, item number 6, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 311133540, citation number 2, item number 7, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 12 Laurel Drive, Great Neck, NY.

See pages 1 through 4 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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with 29 CFR 1926.452(f)(7), including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities; and the names and qualifications of the persons who will erect, move, dismantle, or alter its scaffolds.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 12/04/2013  
Proposed Penalty: \$55440.00

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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#### Citation 2 Item 7 Type of Violation: **Repeat**

29 CFR 1926.451(g)(1)(vii): Each employee on a scaffold, not otherwise specified in paragraphs (g)(1)(i) through (g)(1)(vi) of this section, more than 10 feet (3.1 m) above lower level was not protected from falls by the use of personal fall arrest systems or guardrail systems meeting the requirements of paragraph (g)(4) of this section.

(a) The employer does not require each employee on scaffolds, more than 10 feet above a lower level, to be protected from fall hazards by guardrails or a personal fall arrest system. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where two employees working from the northeast fabricated frame scaffold were not protected from fall hazards of 13'-6", 20', and 26'-6" to the ground below. To abate this violation, the employer must ensure that its employees performing work from scaffolds, more than 10 feet above a lower level, are protected from falls, and that no employee is allowed on a scaffold more than 10 feet high without adequate fall protection.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(g)(1)(i)-(vii), including a description of how these steps protect its employees from fall hazards.

#### REPEAT VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 311133417, citation number 3, item number 7, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 311133540, citation number 2, item number 8, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 12 Laurel Drive, Great Neck, NY.

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 307612861, citation number 1, item number 5, and was affirmed as a final order on March 31, 2010, with respect to a workplace located at 110-40 68th Drive, Forest Hills, NY.

#### WILLFUL VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 311133417, citation number 2, item number 4, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 311140651, citation number 2, item number 4, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 20 Lighthouse Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 311140974, citation number 2, item number 4, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 9 Briar Lane, Kings Point, NY.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(g)(1)(i)-(vii), including a description of how these steps protect its employees from fall hazards.

#### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$55440.00

See pages 1 through 4 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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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

#### Citation 2 Item 8 a Type of Violation: **Repeat**

29 CFR 1926.451(h)(1): Each employee on a scaffold was not provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects. For falling objects too large, heavy or massive to be contained or deflected, the employer did not place and secure such potential falling objects away from the edge of the surface from which they could fall.

(a) The employer does not require each employee, working on lower levels of scaffolds, to be protected from falling objects. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where an employee, working on the first and second levels of the northeast scaffold, was exposed to being struck by 5-gallon buckets of stucco that could fall from the upper levels of the scaffold. To abate this violation, the employer must ensure that toe boards, screens, guardrail systems, debris nets, catch platforms, or canopies are installed to protect employees, working from scaffolds, from being struck by falling objects.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance 29 CFR 1926.451(h)(1), including a description of how these steps protect its employees, who work from scaffolds, from falling objects.

#### SERIOUS VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(h)(2)(ii), which was contained in OSHA inspection number 311140651, citation number 1, item number 2, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 20 Lighthouse Road, Kings Point, NY.

See pages 1 through 4 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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(h)(2)(ii), which was contained in OSHA inspection number 311140974, citation number 1, item number 2, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 9 Briar Lane, Kings Point, NY.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance 29 CFR 1926.451(h)(1), including a description of how these steps protect its employees, who work from scaffolds, from falling objects.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$13860.00

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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#### Citation 2 Item 8 b Type of Violation: **Repeat**

29 CFR 1926.451(h)(2): Employees working below a scaffold were not protected from falling tools, materials or equipment in accordance with the provisions of paragraphs (h)(2)(i)-(v) of this section:

(a) The employer does not require each employee, working below scaffolds, to be protected from falling objects. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees were working on the ground, up to 20' below the northeast fabricated frame scaffold, were exposed to being struck by objects that could fall from the upper levels of the scaffold. To abate this violation, the employer must ensure that the area below scaffolds are barricaded or that the necessary toe boards are installed on the edges of scaffold platforms to protect employees, working below scaffolds, from being struck by falling objects.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(h)(2)(i)-(v), including a description of how these steps protect its employees, working below scaffolds, from falling objects.

#### SERIOUS VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(h)(2)(ii), which was contained in OSHA inspection number 311140651, citation number 1, item number 2, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 20 Lighthouse Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(h)(2)(ii), which was contained in OSHA inspection number 311140974, citation number 1, item number 2, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 9 Briar Lane, Kings Point, NY.

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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.451(h)(2)(i)-(v), including a description of how these steps protect its employees, working below scaffolds, from falling objects.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

12/04/2013

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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### Citation 2 Item 9 Type of Violation: **Repeat**

29 CFR 1926.452(c)(2): Tubular welded frames and panels were not braced by cross, horizontal, or diagonal braces, or combination thereof, which would have secured vertical members together laterally:

(a) The employer does not require scaffold frames and panels to be braced, such that its vertical members are secured laterally. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where employees were working from the northeast fabricated frame scaffold, which had end frames that were not braced, exposing employees to fall, caught between, and/or caught under hazards. To abate this violation, the employer must ensure that scaffolds are braced, such that the vertical members are secured laterally.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.452(c)(2).

### SERIOUS VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(c)(2), which was contained in OSHA inspection number 311140651, citation number 1, item number 3, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 20 Lighthouse Road, Kings Point, NY.

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.451(c)(2), which was contained in OSHA inspection number 311140974, citation number 1, item number 3, and was affirmed as a final order on September 24, 2010, with respect to a workplace located at 9 Briar Lane, Kings Point, NY.

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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.452(c)(2).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/04/2013
Proposed Penalty:	\$13860.00

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



### Citation and Notification of Penalty

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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#### Citation 2 Item 10 Type of Violation: **Repeat**

29 CFR 1926.454(b): The employer did not have each employee involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question.

(a) The employer does not require each employee involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold, to be trained by a competent person. This violation was most recently observed on May 31, 2013 at the worksite located at 1900 Northern Boulevard in Manhasset, NY where an employee climbed on the cross braces of the north fabricated frame scaffold install second and third level end frames, exposing the employee to a falls of 7'-3" and 13' to the ground below. To abate this violation, the employer must ensure its employee are trained, by a competent person, to recognize any hazards associated with erecting, dismantling, moving, operating, repairing, maintaining, or inspecting scaffolds, and that no employee is allowed to engage in any such activity unless they are trained.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.454(b)(1)-(b)(4), including the name and contact information for the competent person(s) that will be training its employees, and its schedule for completing that training.

#### REPEAT VIOLATIONS

Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.454(b)), which was contained in OSHA inspection number 311133417, citation number 3, item number 8B, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 239 Kings Point Road, Kings Point, NY.

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

**Inspection Number:** 909337  
**Inspection Date(s):** 05/31/2013 - 05/31/2013  
**Issuance Date:** 11/27/2013



**Citation and Notification of Penalty**

**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030

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Painting & Decorating, Inc. was previously cited for a violation of this occupational safety and health standard, its equivalent, or substantially similar standard (29 CFR 1926.454(b), which was contained in OSHA inspection number 311133540, citation number 2, item number 9B, and was affirmed as a final order on December 15, 2008, with respect to a workplace located at 12 Laurel Drive, Great Neck, NY.

Note: Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance with the requirements set forth in 29 CFR 1926.454(b)(1)-(b)(4), including the name and contact information for the competent person(s) that will be training its employees, and its schedule for completing that training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/17/2013
Proposed Penalty:	\$55440.00

A handwritten signature in black ink, appearing to read "A. Ciuffo", written over a horizontal line.

**Anthony Ciuffo, CSP**  
Area Director

See pages 1 through 4 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  
1400 Old Country Road  
Suite 208  
Westbury, NY 11590  
Phone: 516-334-3344 Fax: 516-334-3326



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Painting & Decorating, Inc. / AG Painting & Decorating Inc.  
**Inspection Site:** 1900 Northern Blvd., Manhasset, NY 11030  
**Issuance Date:** 11/27/2013

<b>Summary of Penalties for Inspection Number</b>	<b>909337</b>
<b>Citation 1, Serious</b>	<b>\$30690.00</b>
<b>Citation 2, Repeat</b>	<b>\$429660.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$460350.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 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.

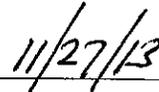
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



Anthony Ciuffo, CSP

Area Director



Date