

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

Inspection Number: 1072628
Inspection Date(s): 06/23/2015 - 06/23/2015
Issuance Date: 09/09/2015



Citation and Notification of Penalty

Company Name: Scott Wheeler Development, LLC
Inspection Site: Breckenridge, Lot 13, Ona, WV 25545

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

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

29 CFR 1926.1053(b)(4): Ladder(s) were used for purposes other than the purpose for which they were designed.

(a) Lot 13: Employees were using an 8 foot step ladder that was leaned up against a wall and not in the opened and locked position to gain access to the third floor attic work area, as observed on or about June 23, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/17/2015
\$1600.00

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: Scott Wheeler Development, LLC
Inspection Site: Breckenridge, Lot 13, Ona, WV 25545

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

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

(a) Lot 13: Employees were using an 8 foot step ladder that was leaned up against a wall and not in the opened and locked position to gain access to the third floor attic work area, and did not receive training from the employer on the hazards associated with the use of ladders, as determined on or about June 23, 2015 and times prior.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

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Company Name: Scott Wheeler Development, LLC
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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:

(a) Lot 13: Eye protection was not being worn by an employee when using a hand held hammer and nail guns to perform framing activities, such as, but not limited to securing support blocks, as observed on or about June 23, 2015 and times prior.

Scott Wheeler Development, LLC. was previously cited for a violation of this occupational safety and health standard or its equivalent standard Eye and Face Protection, which was contained in OSHA inspection number 988477, citation number 1, item number 2 and was affirmed as a final order on October 14, 2014, with respect to a workplace located at Ona, West Virginia.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/17/2015
\$4800.00

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: Scott Wheeler Development, LLC
Inspection Site: Breckenridge, Lot 13, Ona, WV 25545

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

29 CFR 1926.501(b)(1): Each employee on a walking/working surface with an unprotected side or edge which was 6 feet (1.8 m) or more above a lower level was not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems:

(a) Lot 13: Employees were working on the third floor attic of a residential home with unprotected sides and edges approximately 20 feet to the ground, as observed on or about June 23, 2015 and times prior.

Scott Wheeler Development, LLC. was previously cited for a violation of this occupational safety and health standard or its equivalent Scaffolds-Fall Protection, 29 CFR 1926.451(g)(1), which was contained in OSHA inspection number 988477, citation number 1, item number 4 and was affirmed as a final order on October 14, 2014, with respect to a workplace located at Ona, West Virginia.

ABATEMENT CERTIFICATION IS REQUIRED FOR THIS ITEM

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/17/2015
\$5600.00

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

Prentice Cline
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
405 Capitol Street
Suite 407
Charleston, WV 25301
Phone: 304-347-5937 Fax: 304-347-5275



INVOICE / DEBT COLLECTION NOTICE

Company Name: Scott Wheeler Development, LLC
Inspection Site: Breckenridge, Lot 13, Ona, WV 25545
Issuance Date: 09/09/2015

Summary of Penalties for Inspection Number	1072628
Citation 1, Serious	\$1600.00
Citation 2, Repeat	\$10400.00
TOTAL PROPOSED PENALTIES	\$12000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

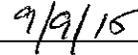
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Prentice Cline
Area Director



Date