

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



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## Citation and Notification of Penalty

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**To:**  
Twin Pines Construction Inc.  
and its successors  
3 Charlton Street, Unit B1  
Everett, MA 02149

**Inspection Number:** 764941  
**Inspection Date(s):** 11/28/2012 - 03/18/2013  
**Issuance Date:** 05/23/2013

**Inspection Site:**  
10 Pettee Brook Lane  
Durham, NH 03824

*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.

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.

**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 as 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 citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer’s authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 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 05/23/2013. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 764941**

Company Name: Twin Pines Construction Inc.  
Inspection Site: 10 Pettee Brook Lane, Durham, NH 03824  
Issuance Date: 05/23/2013

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees in that employees are exposed to struck by and caught between hazards associated with the installation of inadequately braced prefabricated parallel chord trusses:

This violation was most recently observed on November 28, 2012, at a jobsite at 10 Pettee Brook Lane, Durham, New Hampshire, 03824 when: Employees who were working on Levels 2, 3 and 4 were exposed to struck by and caught between hazards where prefabricated parallel chord trusses were not adequately braced during installation. To abate this violation, the employer must ensure that employees are not exposed to these struck by and caught between hazards by adequately bracing during installation.

*A feasible means of abatement includes, but not limited to, following the recommendations related to temporary bracing as set forth by industry consensus standards, such as the Wood Truss Council of America and the Truss Plate Institute, which were provided by the truss manufacturer.*

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/30/2013  
\$5500.00



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction Inc.  
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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 1 Item 2a** Type of Violation: **Serious**

29 CFR 1926.150(c)(1)(i): A fire extinguisher, rated not less than 2A, was not provided for each 3,000 square feet of the protected building area, or major fraction thereof:

Site- Employees were not protected from fire and entrapment hazards while framing a four story, multiunit, wood framed apartment building where there were no fire extinguishers present in the building. Gasoline and combustible materials were present inside the building along with employees smoking cigarettes.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4400.00

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

29 CFR 1926.150(c)(1)(vi): A fire extinguisher, rated not less than 10B, was not provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas were being used on the jobsite:

Site- Employees were not protected from fire and entrapment hazards while framing a four story, multiunit, wood framed apartment building where there were no fire extinguishers present in the building. Two metal gas cans containing more than 5 gallons of gasoline were stored on the first floor next to the air compressor.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

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**Company Name:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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

29 CFR 1926.501(c)(1): When employees were exposed to falling objects, the employer did not erect toeboards, screens, canopy structures or barricades to prevent objects from falling from higher levels:

Site- Employees were exposed to overhead struck by hazards where debris was left to accumulate on floors where exterior walls have not been framed and toe boards were not erected along the floor edges. On or about November 30, 2012 construction debris rolled off the second floor and fell over two stories to the ground where employees were present below.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/30/2013  
\$4400.00

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:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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

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

This violation was most recently observed on 11/28/2012 and 12/11/2012 at a jobsite located at 10 Pettee Brook Lane, Durham, NH, 03824 when: (A) Employees installing wood blocking on top of steel beams were exposed to falls of approximately 30 feet along unprotected floor edges and 10 feet to the level below where fall protection was not utilized. (B) A supervisor was exposed to a fall of approximately 9 feet after removing a guardrail around a stair opening where fall protection was not utilized. (C) An employee was exposed to a fall of approximately 9 feet while installing a guardrail around a stair opening where fall protection was not utilized. (D) Employees framing an exterior wall at the North West corner of the building were exposed to a fall of approximately 30 feet where fall protection was not used while working along the unprotected floor edge. To abate this violation, the employer must ensure that appropriate fall protection is in place to protect employees on a walking/working surface with an unprotected side or edge 6 feet or more above a lower level.

#### **Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 586199, citation number 1, item number 1, issued on 9/12/2012, with respect to a workplace located at 146 Camden Ct, Wakefield, RI 02879. The final order date for the citation was on October 3, 2012.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(11), which was contained in OSHA inspection number 472041, citation number 1, item number 5, issued on 9/5/2012, with respect to a workplace located at 50 Network Drive, Burlington, MA 01803. The final order date for the citation was on September 28, 2012.*

(Continued on the next page)



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction Inc.  
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*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(10), which was contained in OSHA inspection number 472041, citation number 1, item number 7, issued on 9/5/2012, with respect to a workplace located at 50 Network Drive, Burlington, MA 01803. The final order date for the citation was on September 28, 2009.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 29320, citation number 2, item number 3, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 315431676, citation number 2, item number 1, issued on 9/30/2011, with respect to a workplace located at 12 Wheeler Street, Methuen, MA 01844. The final order date for the citation was on October 25, 2011.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 315092296, citation number 2, item number 1, issued on 12/14/2010, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on January 7, 2011.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 312995244, citation number 1, item number 4, issued on 3/26/2009, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on April 15, 2009.*

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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.



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**Company Name:** Twin Pines Construction Inc.  
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*Teles Construction, Inc., a sister company operating at the same business address with the same corporate officers, was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 313803470, citation number 1, item number 4, issued on 3/10/2011, with respect to a workplace located at Chancery Street, New Bedford, MA 02149. The final order date for the citation was on April 1, 2011.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 314072778, citation number 2, item number 1, issued on 3/22/2010, with respect to a workplace located at Sunset Drive, Newbury, MA 01951. The final order date for the citation was on July 7, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 313795544, citation number 2, item number 1, issued on 3/3/2010, with respect to a workplace located at 41-45 Montebello Road, Boston, MA 02130. The final order date for the citation was on July 27, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 312338189, citation number 2, item number 1, issued on 8/26/2008, with respect to a workplace located at 7373 Post Road, North Kingstown, RI 02852. The final order date for the citation was on September 19, 2008.*

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U.S. Department of Labor  
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*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 310160304, citation number 1, item number 1, issued on 4/10/2008, with respect to a workplace located at 301 Church Street, South Kingstown, RI 02892. The final order date for the citation was on June 4, 2008.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/30/2013  
\$70000.00

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: Twin Pines Construction Inc.  
Inspection Site: 10 Pettee Brook Lane, Durham, NH 03824

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 2a Type of Violation: **Willful**

29 CFR 1926.501(b)(2)(i): The employer does not ensure that each employee who is constructing a leading edge 6 feet or more above lower levels is protected from falling by guardrail systems, safety net systems, or personal fall arrest systems:

This violation was most recently observed on 11/28/2012 at a jobsite located at 10 Pettee Brook Lane, Durham, NH, 03824 when: Employees creating a leading edge while installing floor sheathing were exposed to a fall of approximately 30 feet along unprotected floor edges and 10 feet to the level below where fall protection was not utilized. To abate this violation, the employer must ensure that a fall protection system is in place to protect employees constructing leading edges 6 feet or more above lower levels from falling.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 586199, citation number 1, item number 1, issued on 9/12/2012, with respect to a workplace located at 146 Camden Ct, Wakefield, RI 02879. The final order date for the citation was on October 3, 2012.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(11), which was contained in OSHA inspection number 472041, citation number 1, item number 5, issued on 9/5/2012, with respect to a workplace located at 50 Network Drive, Burlington, MA 01803. The final order date for the citation was on September 28, 2012.*

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*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 29320, citation number 2, item number 3, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 315431676, citation number 2, item number 1, issued on 9/30/2011, with respect to a workplace located at 12 Wheeler Street, Methuen, MA 01844. The final order date for the citation was on October 25, 2011.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 315092296, citation number 2, item number 1, issued on 12/14/2010, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on January 7, 2011.*

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*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 313795544, citation number 2, item number 1, issued on 3/3/2010, with respect to a workplace located at 41-45 Montebello Road, Boston, MA 02130. The final order date for the citation was on July 27, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 312338189, citation number 2, item number 1, issued on 8/26/2008, with respect to a workplace located at 7373 Post Road, North Kingstown, RI 02852. The final order date for the citation was on September 19, 2008.*

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### Citation and Notification of Penalty

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#### Citation 2 Item 2b Type of Violation: **Willful**

29 CFR 1926.502(d)(16)(iii): The employer does not ensure that personal fall arrest systems, when stopping a fall, are rigged such that an employee could not free fall more than 6 feet (1.8 m) nor contact any lower level:

This violation was most recently observed on 11/30/2012 at a jobsite located at 10 Pettee Brook Lane, Durham, NH, 03824 when: Employees creating a leading edge while installing floor sheathing were exposed to a fall of approximately 30 feet along unprotected floor edges and 10 feet to the level below while utilizing personal fall arrest systems that would allow them to free fall more than 6 feet or contact the level below. To abate this violation, the employer must ensure that personal fall arrest systems are rigged such that employees cannot free fall more than 6 feet or contact any lower level.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 586199, citation number 1, item number 1, issued on 9/12/2012, with respect to a workplace located at 146 Camden Ct, Wakefield, RI 02879. The final order date for the citation was on October 3, 2012.*

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*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(1), which was contained in OSHA inspection number 29320, citation number 2, item number 3, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 315431676, citation number 2, item number 1, issued on 9/30/2011, with respect to a workplace located at 12 Wheeler Street, Methuen, MA 01844. The final order date for the citation was on October 25, 2011.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 315092296, citation number 2, item number 1, issued on 12/14/2010, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on January 7, 2011.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 312995244, citation number 1, item number 4, issued on 3/26/2009, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on April 15, 2009.*

(Continued on the next page)



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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(Continued from previous page)

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 313803470, citation number 1, item number 4, issued on 3/10/2011, with respect to a workplace located at Chancery Street, New Bedford, MA 02149. The final order date for the citation was on April 1, 2011.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 314072778, citation number 2, item number 1, issued on 3/22/2010, with respect to a workplace located at Sunset Drive, Newbury, MA 01951. The final order date for the citation was on July 7, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 313795544, citation number 2, item number 1, issued on 3/3/2010, with respect to a workplace located at 41-45 Montebello Road, Boston, MA 02130. The final order date for the citation was on July 27, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 312338189, citation number 2, item number 1, issued on 8/26/2008, with respect to a workplace located at 7373 Post Road, North Kingstown, RI 02852. The final order date for the citation was on September 19, 2008.*

(Continued on the next page)

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

Inspection Number: 764941  
Inspection Date(s): 11/28/2012 - 03/18/2013  
Issuance Date: 05/23/2013



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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(Continued from previous page)

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 310160304, citation number 1, item number 1, issued on 4/10/2008, with respect to a workplace located at 301 Church Street, South Kingstown, RI 02892. The final order date for the citation was on June 4, 2008.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/30/2013

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:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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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 3a** Type of Violation: **Willful**

29 CFR 1926.1053(b)(1): The employer does not ensure that ladder side rails extend to at least 3 feet (.9m) above the upper landing surface to which the ladder is used to gain access and the ladder is not secured at its top:

This violation was most recently observed on November 28, 2012, at a jobsite at 10 Pettee Brook Lane, Durham, New Hampshire, 03824 when: The side rails of the ladders, used to access Level 4, did not extend 3 feet above the upper landing surface where employees were working. To abate this violation, the employer must ensure that ladder side rails extend at least 3 feet above the upper landing surface and that the ladder is secured at its top.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 29320, citation number 2, item number 4, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 314072778, citation number 2, item number 2, issued on 3/22/2010, with respect to a workplace located at Sunset Drive, Newbury, MA 01951. The final order date for the citation was on July 7, 2010.*

(Continued on the next page)

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

Inspection Number: 764941  
Inspection Date(s): 11/28/2012 - 03/18/2013  
Issuance Date: 05/23/2013



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

(Continued from previous page)

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 313795544, citation number 2, item number 2, issued on 3/3/2010, with respect to a workplace located at 41-45 Montebello Road, Boston, MA 02130. The final order date for the citation was on July 27, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 311760656, citation number 2, item number 1, issued on 4/20/2009, with respect to a workplace located at 349 Liberty Street, Stonington, CT 06378. The final order date for the citation was on April 2, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 312338189, citation number 1, item number 1, issued on 8/26/2008, with respect to a workplace located at 7373 Post Road, North Kingstown, RI 02852. The final order date for the citation was on September 19, 2008.*

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$60500.00

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:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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**Citation 2. Item 3b** Type of Violation: **Willful**

29 CFR 1926.1053(b)(4): The employer does not ensure that ladder(s) are used only for purposes for which they were designed:

This violation was most recently observed on November 28, 2012, at a jobsite at 10 Pettee Brook Lane, Durham, New Hampshire, 03824 when: Two employees were exposed to a fall hazard while accessing Level 4 from a Featherlite 10 foot fiberglass stepladder that was used in the closed position leaning against a steel beam and the bottom of the ladder was not secured from displacement. To abate this violation, the employer must ensure that ladders are used only for purposes for which they were designed.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 312995244, citation number 1, item number 4, issued on 3/26/2009, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on April 15, 2009.*

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 764941  
Inspection Date(s): 11/28/2012 - 03/18/2013  
Issuance Date: 05/23/2013



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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**Citation 2 Item 3c Type of Violation: **Willful****

29 CFR 1926.1053(b)(13): The employer does not ensure that the top or top step of a stepladder is not used as a step:

This violation was most recently observed on November 28, 2012, at a jobsite at 10 Pettee Brook Lane, Durham, New Hampshire, 03824 when: Five employees were exposed to a fall hazard while accessing Level 4 from a Featherlite 10 foot fiberglass stepladder and a Werner 8 foot fiberglass stepladder where the top step and the top of the ladders were used as a step. To abate this violation, the employer must ensure that the top or top step of a stepladder is not used as a step.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 29320, citation number 1, item number 8b, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.*

Date By Which Violation Must be Abated:

Corrected During Inspection

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:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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

29 CFR 1926.102(a)(1): The employer does not ensure that eye and face protective equipment is used when machines or operations present potential eye or face injury from physical, chemical, or radiation agents:

This violation was most recently observed on 11/28/2012, 11/30/2012, and 12/11/2012 at a jobsite located at 10 Pettee Brook Lane, Durham, NH, 03824 when: Employees operating pneumatic nail guns were exposed to eye injuries where eye protection was not worn or provided. To abate this violation, the employer must ensure that eye and face protective equipment is used.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 29320, citation number 1, item number 2, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/30/2013
Proposed Penalty:	\$11000.00

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

Inspection Number: 764941  
Inspection Date(s): 11/28/2012 - 03/18/2013  
Issuance Date: 05/23/2013



**Citation and Notification of Penalty**

Company Name: Twin Pines Construction Inc.  
Inspection Site: 10 Pettee Brook Lane, Durham, NH 03824

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

29 CFR 1926.404(f)(6): The employer does not ensure that the path to ground from circuits, equipment, or enclosures is permanent and continuous:

This violation was most recently observed on 11/28/2012 at a jobsite located at 10 Pettee Brook Lane, Durham, NH, 03824 when: An extension cord with a built in ground fault circuit interrupter was missing a ground pin and supplying power to two circular saws. To abate this violation, the employer must ensure that the path to ground from circuits, equipment, or enclosures is permanent and continuous.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 29320, citation number 2, item number 1, issued on 10/21/2011, with respect to a workplace located at 51 Islington Street, Portsmouth, NH 03801. The final order date for the citation was on July 9, 2012.*

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 312995244, citation number 1, item number 1, issued on 3/26/2009, with respect to a workplace located at 536-540 Lowell Street, Lexington, MA 02420. The final order date for the citation was on April 15, 2009.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/30/2013  
\$1100.00

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:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

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

29 CFR 1926.503(a)(1): The employer does not ensure that a training program is provided for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

This violation was most recently observed on 12/11/2012 at a jobsite located at 10 Pettee Brook Lane, Durham, NH, 03824 when: An employee working his first day with the employer was exposed to a fall of approximately 30 feet where fall protection was not utilized and the employer failed to provide the employee with fall protection training. To abate this violation, the employer must ensure that employees are provided a training program to enable each employee to recognize fall hazards and the procedures to minimize these hazards.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Twin Pines Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.503(a)(2)(ii), which was contained in OSHA inspection number 315140137, citation number 1, item number 1c, issued on 5/30/2011, with respect to a workplace located at 164 Chancery Street, New Bedford, MA 02740. The final order date for the citation was on July 6, 2011.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 313803470, citation number 2, item number 1, issued on 3/10/2011, with respect to a workplace located at Chancery Street, New Bedford, MA 02149. The final order date for the citation was on April 1, 2011.*

(Continued on the next page)

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

Inspection Number: 764941  
Inspection Date(s): 11/28/2012 - 03/18/2013  
Issuance Date: 05/23/2013



Citation and Notification of Penalty

Company Name: Twin Pines Construction Inc.  
Inspection Site: 10 Pettee Brook Lane, Durham, NH 03824

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(Continued from previous page)

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1926.503(a)(1), which was contained in OSHA inspection number 314072778, citation number 1, item number 1, issued on 3/22/2010, with respect to a workplace located at Sunset Drive, Newbury, MA 01951. The final order date for the citation was on July 7, 2010.*

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/30/2013  
\$55000.00

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: 764941  
Inspection Date(s): 11/28/2012 - 03/18/2013  
Issuance Date: 05/23/2013



**Citation and Notification of Penalty**

**Company Name:** Twin Pines Construction Inc.  
**Inspection Site:** 10 Pettee Brook Lane, Durham, NH 03824

**Citation 3 Item 4** Type of Violation: **Repeat**

29 CFR 1926.1052(c)(1): The employer does not ensure that stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, are equipped with at least one handrail and one stair rail system along each unprotected side or edge:

This violation was most recently observed on November 28, 2012, at a jobsite at 10 Pettee Brook Lane, Durham, New Hampshire, 03824 when: Employees were not protected from slip and trip hazards where a hand rail was not installed on either side of the stairway between the two levels on the Garage Level and Level 2. To abate this violation, the employer must ensure that stairways with 4 or more risers or rising more than 30 inches are equipped with at least one handrail and one stair rail system along each unprotected side or edge.

**Prior violations referred to include a violation of this Occupational Safety and Health Standard which was contained in:**

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 313795544, citation number 1, item number 1, issued on 3/3/2010, with respect to a workplace located at 41-45 Montebello Road, Boston, MA 02130. The final order date for the citation was on July 27, 2010.*

*Teles Construction, Inc. was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 312103963, citation number 1, item number 3a, issued on 4/14/2009, with respect to a workplace located at 5 Commercial Drive, Lakeville, MA 02347. The final order date for the citation was on May 5, 2009.*

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$8800.00

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

Rosemarie Ohar  
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  
53 Pleasant Street, Room 3901  
J.C. Cleveland Federal Bldg.  
Concord, NH 03301  
Phone: 603-225-1629 Fax: 603-225-1580



## INVOICE / DEBT COLLECTION NOTICE

Company Name: Twin Pines Construction Inc.  
Inspection Site: 10 Pettee Brook Lane, Durham, NH 03824  
Issuance Date: 05/23/2013

Summary of Penalties for Inspection Number	764941
Citation 1, Serious	\$14300.00
Citation 2, Willful	\$200500.00
Citation 3, Repeat	\$75900.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$290700.00</b>

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 the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

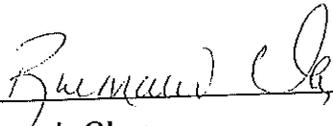
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Rosemarie Ohar  
Area Director

5/23/13  
Date