

**Virginia Department of Labor and Industry**  
**Virginia Occupational Safety and Health (VOSH) Compliance**

9400 Innovation Drive, Suite 120  
Manassas, VA 20110  
Phone: (703) 392-0900 Fax: (703) 392-0308



## Citation and Notification of Penalty

**To:**  
Jhony Marengo Andasol and Darwin Marengo Andasol  
and its successors  
2825 Fairhaven Ave, Apt 304  
Alexandria, VA 22303

**Inspection Number:** 1267036  
**Inspection Date(s):** 09/27/2017-09/27/2017  
**Issuance Date:** 03/22/2018

**Inspection Site:**  
2817 Fair Haven Ave  
Alexandria, VA 22303

*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.*

**Citation and Notification of Penalty.** Described herein are alleged violations of Virginia's Occupational Safety and Health (VOSH) laws, standards and/or regulations. Any penalty proposed is based on the corresponding violation. In accordance with Virginia Code §40.1-49.4(b)(4), you must abate all alleged violations by the dates listed and pay the penalties proposed, unless, within 15 working days (excluding weekends and State and Federal holidays) from the date you receive this citation, you submit a written notice of contest to the Virginia Department of Labor and Industry Regional Office at the address listed above. Issuance of this citation does not constitute a finding by the Commissioner that you have violated the law, standard or regulation described unless you fail to file a written notice of contest or this citation is affirmed by a court of law.

**Please read the enclosed booklet entitled *Employer Responsibilities and Courses of Action Following a VOSH Inspection* in conjunction with this citation to learn your rights and responsibilities.**

**Posting.** Virginia law requires you to immediately post a copy of this Citation in a prominent place at or near the location of the violation(s), or if it is not practicable because of the nature of your operations to do so, in a place where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) have been abated, or for 3 working days (excluding weekends, State and Federal holidays), whichever is longer. **The penalty amounts may be marked out or covered up prior to posting. Please note that these penalty amounts are releasable by the Department in response to a Freedom of Information Act (FOIA) request.**

**Informal Conference.** You have the right to an informal conference with the appropriate VOSH Regional Safety or Health Director at which you may present evidence to support amending the citation, order of abatement or penalties proposed. An informal conference, which is normally held during the 15 working day contest period, is optional. If you wish to attend an informal conference, you must contact the appropriate VOSH Regional Safety or Health Director at the Regional Office listed above.

**If you request an informal conference, you must notify your employees of the time and place.** Be sure to bring to the conference any documentation of existing conditions as well as abatement steps taken thus far. If conditions warrant, this matter may be resolved amicably without the need for litigation, by way of an Informal Settlement Agreement.

**Requesting an informal conference does not extend the 15 working day contest period.**

**Right to Contest.** You have the right to contest this Citation. 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. This citation and the penalties proposed will become a final order of the Commissioner of Labor and Industry unless you notify VOSH in writing within 15 working days of receiving this citation that you contest the citation or any part thereof.

**Penalty Payment.** Penalties are due within 15 working days of receipt of this notification unless you contest. Make your check or money order payable to "Commonwealth of Virginia ". **Please indicate the Inspection Number on the check or money order.**

The Virginia Department of Labor and Industry 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 violations which you do not contest, you must promptly notify the appropriate VOSH Regional Safety or Health Director at the Regional Office listed above, by completing the enclosed Report on Correction of Violations form, and indicates that you have taken appropriate corrective action by the date(s) specified in this citation. The form must include abatement steps you have taken and the dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**Employment Discrimination Unlawful.** Virginia Code §§40.1-51.2:1 and -51.2:2 prohibit discrimination against any employee who has filed a complaint or who has exercised any rights under the safety and health provisions of Title 40.1 of the Code of Virginia. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the VOSH Office of Whistleblower Protection at Suite 207, 600 East Main Street, Richmond, Virginia 23219.

**Notice to Employees.** The law gives an employee or his/her representative the opportunity to contest in writing any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Regional Office at the address shown above and postmarked within 15 working days (excluding weekends and State and Federal holidays) of the employer's receipt of this Citation.



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## **NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with VOSH to discuss the Citation(s) issued 03/22/2018. The conference will be held at the VOSH office located at 9400 Innovation Drive, Suite 120 Manassas, VA 20110 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Virginia Department of Labor and Industry**  
**Virginia Occupational Safety and Health (VOSH) Compliance**  
9400 Innovation Drive, Suite 120  
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**Inspection Number:** 1267036  
**Inspection Date:** 09/27/2017-  
09/27/2017  
**Issuance Date:** 03/22/2018



**Citation and Notification of Penalty**

**Company Name:** Jhony Marengo Andasol and Darwin Marengo Andasol  
**Inspection Site:** 2817 Fair Haven Ave Alexandria, VA 22303

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

Va. Code §40.1-49.4.0 and §59.1-409.B: The employer, Jhony Marengo Andasol and Darwin Marengo Andasol, did not ensure that it shall be the duty and responsibility of the owner, lessee, or employer of any covered equipment to acquaint themselves, and their employees who will be operating the equipment or will be engaged in work, with the provisions of this chapter and the regulations prescribed and promulgated pursuant to it.

On September 27, 2017, located at 2817 Fairhaven Ave, Alexandria, Virginia 22303, An employee was painting the exterior of an apartment building and was utilizing a 40 foot, aluminum extension ladder to perform the task. At some point during the course of work the employee was standing on the ground and grabbed the ladder in attempts to relocate the ladder from the side of the building where he was working to the back of the building. During the process the ladder made contact with a 7,200 volt, overhead power line and the employee was electrocuted. The overhead power line runs parallel with the side of the apartment building wall and the phase conductor that the ladder made contact with was located approximately 5 1/2 feet from the wall of the apartment building. The Employer, did not ensure that employees were trained on the requirements of the Overhead High Voltage Safety Act, prior to the employees performing work in close proximity to overhead power lines.

**Date by Which Violation Must Be Abated:**

**Corrected During Inspection**

**Proposed Penalty:**

**\$2495.00**

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

Va. Code §40.1-49.4.0 and §59.1-410.A: The employer, Jhony Marengo Andasol and Darwin Marengo Andasol, did not ensure that when any person desires to carry on any work in closer proximity to any overhead high voltage line than permitted by this chapter, the person responsible for the work shall promptly notify the owner or operator of the high voltage line on a working day, or in emergency situations as soon as possible under the circumstances, in the manner prescribed in §§ 59.1-411. The work shall be performed only after satisfactory mutual arrangements have been negotiated between the owner or the operator of the lines or both and the person responsible for the work. The negotiations shall proceed promptly and in good faith with the goal of accommodating the requested work consistent with the owner's or operator's service needs and the duty to protect the public from the danger of overhead high voltage lines. The owner or operator of the lines shall initiate the agreed upon safety arrangements within five working days from the date of the request of the person responsible for the work. The owner and operator of the lines shall complete the work promptly and without interruption, consistent with the owner's or operator's service needs. Arrangements may include:

(i) placement of temporary mechanical barriers separating and preventing contact between material, equipment, or persons and overhead high voltage lines, (ii) temporary de-energization and grounding, (iii) temporary relocation or raising of the lines, or (iv) other such measures found to be appropriate in the judgment of the owner or operator of the lines.

The person responsible for the work shall ensure that the temporary safety arrangements described in this subsection are completed prior to the commencement of any such work.

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**Citation and Notification of Penalty**

**Company Name:** Jhony Marengo Andasol and Darwin Marengo Andasol  
**Inspection Site:** 2817 Fair Haven Ave Alexandria, VA 22303

On September 27, 2017, located at 2817 Fairhaven Ave, Alexandria, Virginia 22303, An employee was painting the exterior of an apartment building and was utilizing a 40 foot, aluminum extension ladder to perform the task. At some point during the course of work the employee was standing on the ground and grabbed the ladder in attempts to relocate the ladder from the side of the building where he was working to the back of the building. During the process the ladder made contact with a 7,200 volt, overhead power line and the employee was electrocuted. The overhead power line runs parallel with the side of the apartment building wall and the phase conductor that the ladder made contact with was located approximately 5 1/2 feet from the wall of the apartment building. The Employer, did not notify the owner of the power line, prior to the commencement of work to be performed in close proximity to the power line.

**Date by Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$12470.00**

Citation 1 Item 3

Type of Violation: **Serious**

1926.1053(b)(12): The employer, Jhony Marengo Andasol and Darwin Marengo Andasol, did not ensure that ladders shall have nonconductive siderails if they are used where the employee or the ladder could contact exposed energized electrical equipment.

On September 27, 2017, located at 2817 Fairhaven Ave, Alexandria, Virginia 22303, An employee was painting the exterior of an apartment building and was utilizing a Werner, 40 foot, model, D1340-2, aluminum extension ladder to perform the task. At some point during the course of work the employee was standing on the ground and grabbed the ladder in attempts to relocate the ladder from the side of the building where he was working to the back of the building. During the process the ladder made contact with a 7,200 volt, overhead power line and the employee was electrocuted. The overhead power line runs parallel with the side of the apartment building wall and the phase conductor that the ladder made contact with was located approximately 5 1/2 feet from the wall of the apartment building.

**Date by Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$12470.00**

Citation 2 Item 1

Type of Violation: **Willful-Serious**

Va. Code §40.1-49.4.0 and §59.1-408.1: The employer, Jhony Marengo Andasol and Darwin Marengo Andasol did not ensure that unless danger of contact with overhead high voltage lines has been guarded against as provided by §59.1-410: 1. No person shall, individually or through an agent or employee, perform, or require any other person to perform, any work, as defined in § 59.1-407, that will cause any person or tools, machinery, ladders, antennas, equipment, covered equipment, supplies, materials, or apparatus to be placed within 10 feet (3.1 meters) of any overhead high voltage line.

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**Citation and Notification of Penalty**

**Company Name:** Jhony Marengo Andasol and Darwin Marengo Andasol  
**Inspection Site:** 2817 Fair Haven Ave Alexandria, VA 22303

On September 27, 2017, located at 2817 Fairhaven Ave, Alexandria, Virginia 22303, An employee was painting the exterior of an apartment building and was utilizing a 40 foot, aluminum extension ladder to perform the task. At some point during the course of work the employee was standing on the ground and grabbed the ladder in attempts to relocate the ladder from the side of the building where he was working to the back of the building. During the process the ladder made contact with a 7,200 volt, overhead power line and the employee was electrocuted. The overhead power line runs parallel with the side of the apartment building wall and the phase conductor that the ladder made contact with was located approximately 5 1/2 feet from the wall of the apartment building.

**Date by Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$124709.00**

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Daniel Wells  
Regional Safety Director

**Virginia Department of Labor and Industry**  
**Virginia Occupational Safety and Health (VOSH) Enforcement**  
9400 Innovation Drive, Suite 120  
Manassas, VA 20110  
Phone: (703) 392-0900 FAX: (703) 392-0308



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## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** Jhony Marengo Andasol and Darwin Marengo Andasol  
**Inspection Site:** 2817 Fair Haven Ave Alexandria, VA 22303  
**Issuance Date:** 03/22/2018  
**Inspection Number:** 1267036

### Summary of Proposed Penalties:

|                                    |                  |
|------------------------------------|------------------|
| Citation 1 Item 1, Serious         | 2495.00          |
| Citation 1 Item 2, Serious         | 12470.00         |
| Citation 1 Item 3, Serious         | 12470.00         |
| Citation 2 Item 1, Willful-Serious | 124709.00        |
| <b>TOTAL PROPOSED PENALTIES:</b>   | <b>152144.00</b> |

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Pursuant to Virginia Code §40.1-49.4.A.4.(a), the Commissioner of the Department of Labor and Industry may assess interest on all past-due penalties as well as administrative costs incurred in the collection of the penalties for violations of Virginia Occupational Safety and Health (VOSH) laws, regulations, and standards. Interest charges are assessed at an annual rate in accordance with Virginia Code §2.2-4805.

Interest shall accrue from the date on which the citation, either as issued or as amended, becomes a final order of the Commissioner. A citation becomes a final order 15 working days after the date that the employer receives the citation unless the employer files a notice of contest with VOSH. **Interest is waived if the employer pays the full amount within 30 calendar days of the final order date.**

A debt is past-due 30 calendar days after the final order date unless the employer makes a satisfactory payment arrangement with the Commissioner. If the debt remains unpaid for more than 90 days, it is deemed delinquent and referred to the Office of the Attorney General or other collection agency for collection. Administrative costs incurred in collecting the debt will be added to the amount of the debt.

To avoid potential interest and collection costs, please send payment promptly for the total amount of the uncontested penalties shown on the citation to the Accounting Office, Virginia Department of Labor and Industry, Main Street Centre, 600 East Main Street, Suite 207, Richmond, Virginia 23219. You may use the enclosed self-addressed envelope. **Please make your check or money order payable to: "Commonwealth of Virginia". Please indicate the Inspection Number on the payment. Do not send payment to the Regional Office.**

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Daniel Wells  
VOSH Regional Safety Director

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Date

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## REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

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**Company Name:**

Jhony Marengo Andasol and Darwin Marengo Andasol  
2817 Fair Haven Ave  
Alexandria, VA 22303

**RETURN FORM TO:**

Virginia Department of Labor and Industry  
9400 Innovation Drive, Suite 120  
Manassas, VA 20110  
Phone: (703) 392-0900 Fax: (703) 392-0308

**Inspection Number:** 1267036

Please provide the corrective action taken and date of completion by each numbered item as indicated on the attached form, along with adequate supporting documentation (e.g., copies of written programs (Safety, Lockout/Tagout, Hazard Communication, Respiratory Protection, Confined Spaces, etc.), drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results (such as air contaminants, noise monitoring, asbestos, lead, etc). For accuracy, please refer to the enclosed citations when completing this form.

Be sure to address all items on the citation, including any other-than-serious items. Failure to do so will delay documentation of your abatement efforts and may result in a follow-up inspection and could result in additional proposed penalties of \$1,000.00. Please be aware that Virginia Code §40.1-51.4:2 provides for a fine of not more than \$10,000.00, or imprisonment for not more than six (6) months, or both, for making false statements. Please type or print legibly.

**Also, please be sure to sign and date this form.**

### Abatement Verification Statement:

Regarding the abatement actions on the following page(s), the undersigned certifies that:

1. All affected employees were promptly notified of all the hazards which were cited in this VOSH Citation.
2. For ALL items cited, a copy of the citation was posted at or near the location where each violation described in the citation occurred until each violation was abated or for a minimum of 3 working days (excluding weekends and State and Federal holidays), whichever is later; or
3. For all hand held or moveable equipment a warning tag or copy of the citation was attached to the equipment until the violation was abated, until the item was removed from service, or until such time as the item was no longer in the employer's control.
4. All items cited on the VOSH Citation were corrected and a copy of the Abatement Verification was made available for review to all affected employees by posting or other appropriate means on the date of the signing of this form.

**NOTE: PLEASE MARK ABATEMENT VERIFICATION WITH MATCHING VIOLATIONS.**

\_\_\_\_\_  
Employer Signature / Title

\_\_\_\_\_  
Date of Verification

\_\_\_\_\_  
Print Name and Title of Employee Representative



**REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION**

| Citation #:                                                                                                           |  |  | Item Number |  |  | Date Item Corrected |  |
|-----------------------------------------------------------------------------------------------------------------------|--|--|-------------|--|--|---------------------|--|
| 1                                                                                                                     |  |  | 1           |  |  |                     |  |
| Corrective action taken:<br>_____<br>_____<br>_____<br>List type of supporting documentation attached: _____<br>_____ |  |  |             |  |  |                     |  |
| Citation #:                                                                                                           |  |  | Item Number |  |  | Date Item Corrected |  |
| 1                                                                                                                     |  |  | 2           |  |  |                     |  |
| Corrective action taken:<br>_____<br>_____<br>_____<br>List type of supporting documentation attached: _____<br>_____ |  |  |             |  |  |                     |  |
| Citation #:                                                                                                           |  |  | Item Number |  |  | Date Item Corrected |  |
| 1                                                                                                                     |  |  | 3           |  |  |                     |  |
| Corrective action taken:<br>_____<br>_____<br>_____<br>List type of supporting documentation attached: _____<br>_____ |  |  |             |  |  |                     |  |
|                                                                                                                       |  |  |             |  |  |                     |  |

| Citation #:                                                                                                    |  |  | Item Number |  |  | Date Item Corrected |  |
|----------------------------------------------------------------------------------------------------------------|--|--|-------------|--|--|---------------------|--|
| 2                                                                                                              |  |  | 1           |  |  |                     |  |
| <p>Corrective action taken:</p> <hr/> <hr/> <hr/> <p>List type of supporting documentation attached: _____</p> |  |  |             |  |  |                     |  |