

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

Inspection Number: 1108115
Inspection Date(s): 11/24/2015 - 11/24/2015
Issuance Date: 12/16/2015



Citation and Notification of Penalty

Company Name: WKL Roofing, LLC
Inspection Site: 4655 Spruce Creek Road, Units A-H, Port Orange, FL 32127

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

29 CFR 1926.95(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not provided:

a) On or about November 24, 2015 employees were installing roof shingles using Grip Rite and Bostich brand, pneumatic nail guns with 1-1/4" roofing nails and were not protected from struck by hazards to the eyes by means of safety goggles, safety glasses or safety shield.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4900.00

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

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

a) On or about November 24, 2015 employees working on the roof were using a Makita brand 7-1/4" portable electric circular saw to cut roof sheathing to size and were not protected from electrical shock hazards because the flexible electrical cords in use did not have a continuous path to ground because the round ground pin conductor was broken off/removed.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4900.00

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Citation and Notification of Penalty

Company Name: WKL Roofing, LLC
Inspection Site: 4655 Spruce Creek Road, Units A-H, Port Orange, FL 32127

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

29 CFR 1926.502(h)(1)(i): The safety monitor shall be competent to recognize fall hazards;

a). Employees are conducting re-roof operations on 3 (three) 50 foot wide one story, block construction commercial buildings and are not protected by means of a safety monitor who was qualified to perform the functions of a safety monitor on the roof in accordance with sub-sections i through v in that the monitor needs to be competent to recognize the hazards associated with roofing work and be empowered to monitor and ensure the safety of other employees, and not be distracted by other work tasks.

WKL Roofing, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.502(h)(1), which was contained in OSHA inspection number 622678, citation number 1, item number 2 and was affirmed as a final order on November 2, 2012, with respect to a workplace located at 2325 South Ridgewood Ave, Edgewater, FL 32174.

To abate this violation, the employer must ensure that employees engaged in residential construction activities 6 feet (1.8 m) or more above lower levels are protected by a safety monitor, guardrail systems, safety net system, or personal fall arrest system.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from fall hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$10780.00



Citation and Notification of Penalty

Company Name: WKL Roofing, LLC

Inspection Site: 4655 Spruce Creek Road, Units A-H, Port Orange, FL 32127

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

29 CFR 1926.501(b)(10): Each employee engaged in roofing activities on low-slope roofs with unprotected sides and edges 6 feet or more above lower levels and 50-feet (15.25 m) wide or less, was not protected from falling by guardrail systems, safety nets.

a) Employees were working on a 50 foot wide, one story block construction, 5:12 slope roof and were not protected by personal fall protection, guardrails, safety nets, exposing the employees to a fall in excess of 12 feet to the ground below.

WKL Roofing, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)10, which was contained in OSHA inspection number 622678, citation number 1, item number 1 and was affirmed as a final order on November 2, 2012, with respect to a workplace located at 2325 South Ridgewood Ave, Edgewater, FL 32174.

WKL Roofing, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(11), which was contained in OSHA inspection number 981242, citation number 1, item number 2 and was affirmed as a final order on March 5, 2015, with respect to a workplace located at 1205 Ridgewood Ave, Daytona Beach, FL 32268.

To abate this violation, the employer must ensure that employees engaged in roofing activities on low slope roofs 6 feet or more above lower levels are protected by guardrail systems, safety net system, or personal fall arrest system.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from fall hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$53900.00

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

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: WKL Roofing, LLC
Inspection Site: 4655 Spruce Creek Road, Units A-H, Port Orange, FL 32127

for **Brian J. Sturtecky**
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
1851 Executive Center Drive
Suite 227
Jacksonville, FL 32207
Phone: 904-232-2895 Fax: 904-232-1294



INVOICE / DEBT COLLECTION NOTICE

Company Name: WKL Roofing, LLC
Inspection Site: 4655 Spruce Creek Road, Units A-H, Port Orange, FL 32127
Issuance Date: 12/16/2015

Summary of Penalties for Inspection Number	1108115
Citation 1, Serious	\$9800.00
Citation 2, Repeat	\$10780.00
Citation 3, Willful	\$53900.00
TOTAL PROPOSED PENALTIES	\$74480.00

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

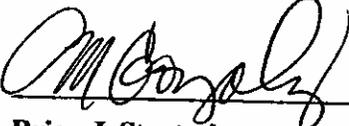
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.


FOR **Brian J. Sturtecky**
Area Director

12/16/15
Date