

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: (973)263-1003 FAX: (215)597-1956



Citation and Notification of Penalty

To: Sanford Weiss
White Diamonds Properties, LLC
and its successors
101 Marshall Street
Hoboken, NJ 07030

Inspection Number: 316089853
Inspection Date(s): 12/07/2011-06/01/2012
Issuance Date: 06/01/2012

Inspection Site:
837 Jersey Ave
Jersey City, NJ 07097

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.

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 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 page 5 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 and 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 citations 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.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also 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. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

Kris Hoffman, Area Director
U.S. Department of Labor - OSHA
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: (973)263-1003

White Diamonds Properties, LLC
101 Marshall Street
Hoboken, NJ 07030

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/01/2012. The conference will be held at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ, 07054 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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

29 CFR 1926.350(a)(1): Valve protection cap(s) were not in place on compressed gas cylinder(s):

a) West side of jobsite, 837 Jersey Ave, Jersey City, NJ

An acetylene tank was in storage without a protective cap over the valve, thereby exposing the valve to leaking from being damaged.

Violation was observed on or about 12/28/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 1800.00



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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

29 CFR 1926.350(a)(9): Compressed gas cylinder(s) were not secured in an upright position:

a) West side of jobsite, 837 Jersey Ave, Jersey City, NJ

Oxygen and acetylene tanks were not secure. Many oxygen tanks were leaning up against each other.

Violation observed on or about 12/28/11.

b) West side of jobsite, 837 Jersey Ave, Jersey City, NJ

Oxygen and acetylene tanks were not secured and were leaning up against a chain link fence.

Violation observed on or about 1/23/12.

c) West side of jobsite, 837 Jersey Ave, Jersey City, NJ

Oxygen and acetylene tanks were not secured and were leaning up against a chain link fence.

Violation observed on or about 1/25/12.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 1800.00



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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

29 CFR 1926.350(a)(10): Oxygen cylinder(s) in storage were not separated from fuel gas cylinders or combustible materials (especially oil or grease) by a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least five feet (1.5 m) high having a fire resistance rating of at least 1/2 hour:

a) West side of jobsite, 837 Jersey Ave, Jersey City, NJ

Oxygen and acetylene cylinders were stored together.

Violation observed on or about 12/28/11.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 1800.00



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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

29 CFR 1926.701(b): All protruding reinforcing steel, onto and into which employees could fall, was not guarded to eliminate the hazard of impalement:

a) 5th Floor East Stairwell, 837 Jersey Ave, Jersey City, NJ

Employees, accessing the 5th Floor East stairwell, had to pass by a vertical piece of rebar that did not have a protection cap.

Violation observed on or about 12/28/11.

b) 1st Floor West, Main Entrance, 837 Jersey Ave, Jersey City, NJ

Employees, entering the building on the 1st Floor West, had to walk past several vertical pieces of rebar that did not have protection caps.

Violation observed on or about 1/5/12.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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

29 CFR 1926.703(a)(2): Drawings or plans, including all revisions, for the jack layout, formwork (including shoring equipment), working decks, and scaffolds were not available at the jobsite:

a) Jobsite located at 837 Jersey Ave, Jersey City, NJ

The employer did not have Shoring/Reshoring drawings on site.

Violation occurred on or about 12/28/11 and again on or about 1/5/12.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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 (horizontal and vertical surface) with an unprotected side or edge which is 6 feet (1.8m) or more above a lower level, is protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems. Recent instances of this violation were observed when:

a) 4th Floor

Employee, sweeping at the edge, is not using fall protection.

Violation observed on or about 12/7/2011.

b) 4th Floor SE Corner

Subcontractor's employees, stripping column at the edge, are not using fall protection.

Violation observed on or about 12/7/2011.

c) 4th Floor W

Subcontractor's employees, accessing the 4th Floor by ladder, are not protected from falling 2 stories to the parking garage deck from the unprotected edge surrounding the ladder.

Violation observed on or about 12/7/2011.

d) 6th Floor SW

Subcontractor's employees, including 2 Foremen, a Signalman and a Construction Manager are working at the edge of the 6th floor without using fall protection.

Violation observed on or about 12/28/2011.

e) 7th Floor SW



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

Two of a subcontractor's employees crawled through the guardrail system and stood on the edge of the 7th floor to catch a piece of equipment that was being lowered by the crane. Neither employee is using fall protection.

Violation observed on or about 1/25/2012.

f) 8th Floor S

Subcontractor's employees, walking and working at the edge, are not using fall protection.

Violation observed on or about 1/5/2012.

To abate this violation, the employer must ensure that its employees engaged in construction work are protected from falling, and that no employee is allowed to work near edges which are six feet above a lower level without adequate fall protection.

Pursuant to 29 CFR 1903.19(d), the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect employees from fall hazards.

Date By Which Violation Must be Abated:	06/07/2012
Proposed Penalty:	\$ 42000.00



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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

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 (1.8m) or more above lower levels, is protected from falling by guardrail systems, safety net systems, or personal fall arrest systems. Recent instances of this violation were observed when:

a) 7th Floor W

Subcontractor's employees, doing layout on the 7th floor, are not using fall protection while installing the last piece of plywood.

Violation observed on or about 12/28/11.

b) 8th Floor S

Subcontractor's employee, doing layout on the 8th floor, is not using fall protection while installing the last piece of plywood.

Violation observed on or about 1/5/12.

c) 10th Floor W

Subcontractor's employee, doing layout on the 10th floor, is not using fall protection while installing the last piece of plywood.

Violation observed on or about 1/23/12.

d) 13th Floor SE

Subcontractor's employee, doing layout on the 13th floor, is not using fall protection while installing the last piece of plywood.

Violation observed on or about 2/6/12.

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

To abate this violation, the employer must ensure that its employees engaged in construction work are protected from falling, and that no employee is allowed to work near edges which are six feet above a lower level without adequate fall protection.

Pursuant to 29 CFR 1903.19(d), the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect employees from fall hazards.

Date By Which Violation Must be Abated:	06/07/2012
Proposed Penalty:	\$ 42000.00



Citation and Notification of Penalty

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097

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

29 CFR 1926 501 (b)(2)(ii): The employer does not ensure that each employee on a walking/working surface 6 feet or more above a lower level where leading edges were under construction, but who was not engaged in leading edge work, was protected from falling by a guardrail system, safety net system, or personal fall arrest system. A recent instance of this violation was observed when:

a) 13th Floor E

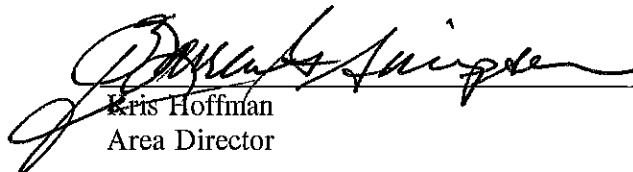
Subcontractor's employee, laying a chalk line at the edge while leading edge work is being performed, is not using fall protection.

Violation observed on or about 02/06/2012.

To abate this violation, the employer must ensure that its employees engaged in construction work are protected from falling, and that no employee is allowed to work near edges which are six feet above a lower level without adequate fall protection.

Pursuant to 29 CFR 1903.19(d), the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect employees from fall hazards.

Date By Which Violation Must be Abated: 06/07/2012


Kris Hoffman
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

299 Cherry Hill Road

Suite 103

Parsippany, NJ 07054

Phone: (973)263-1003 FAX: (215)597-1956

OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: White Diamonds Properties, LLC
Inspection Site: 837 Jersey Ave, Jersey City, NJ 07097
Issuance Date: 06/01/2012

Summary of Penalties for Inspection Number 316089853

Citation 1, Serious	= \$	11400.00
Citation 2, Willful	= \$	84000.00
TOTAL PROPOSED PENALTIES	= \$	95400.00

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.

OSHA does not agree to any restrictions or conditions 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.

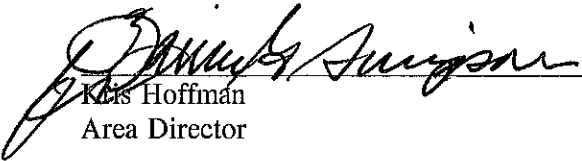
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 5%. 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.


Kris Hoffman
Area Director

06/01/2012
Date