

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1222 Spruce Street  
Room 9.104  
Saint Louis, MO 63103  
Phone: 314-425-4249 Fax: 314-425-4289



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## Citation and Notification of Penalty

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**To:**  
KG Framing and Construction, LLC  
4160 Concordia  
Saint Louis, MO 63116

**Inspection Number:** 710538  
**Inspection Date(s):** 10/12/2012 - 10/12/2012  
**Issuance Date:** 04/11/2013

**Reply to the Attention of:** Strategic Team Leader

**Inspection Site:**  
1920-1926 McKelvey Road  
Maryland Heights, MO 63043

*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 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 must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**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 04/11/2013. The conference will be held at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 710538**

Company Name: KG Framing and Construction, LLC  
Inspection Site: 1920-1926 McKelvey Road, Maryland Heights, MO 63043  
Issuance Date: 04/11/2013

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, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

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:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.20(b)(2):

The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s):

The employer allows employees to be exposed to hazardous conditions created by not conducting frequent or regular inspections by a competent person. The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO 63043, where the employer failed to make frequent or regular inspections of the worksite to ensure all workers were in compliance with company safety and health policies and OSHA standards. There were workers at this construction site not wearing protective helmets (hard hats) in an area where there was the possibility of head injury, workers were using pneumatic nail guns without donning the necessary eye protection, workers were working on a steep roof without the necessary fall protection systems, workers were using damaged ladders that were improperly positioned and not secured from accidental displacement. The workers were exposed to fall and struck-by hazards.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/23/2013 |
| Proposed Penalty:                       | \$3080.00  |

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:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.100(a):

Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

The employer allows employees to be exposed to hazardous conditions created by not wearing protective helmets (hard hats). The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO, 63043 where the workers were performing their duties below the eave where other workers actively performed roofing activities on the 14:12 pitch roof. The workers were exposed to a struck-by hazard.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from struck-by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$3080.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.307(d)(1):

Pulley(s) with part(s) seven feet (2.128 m) or less from the floor or work platform were not guarded in accordance with the requirements specified in paragraphs (m) and (o) of this section:

The employer allows employees to be exposed to hazardous conditions created by not guarding power-transmission apparatus on a portable air compressor. The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO 63043, where workers were observed using a power air compressor to power tools without the mechanical power-transmission apparatus guard. Operating the portable air compressor without the guard exposes employees to in-running nip points from the exposed pulley and drive belt.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from caught in hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$2200.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.1053(b)(5)(i):

Non-self-supporting ladders were not used at an angle such that the horizontal distance from the top support to the foot of the ladder was approximately one-quarter of the working length of the ladder (the distance along the ladder between the foot and the top support):

The employer allows employees to be exposed to hazardous conditions created by improperly positioning extension ladders. The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO 63043, where workers were observed exposed to fall hazards as they were working from ladders positioned with the horizontal distances greater than the one-quarter of the working length height.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from ladder fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$3080.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.1053(b)(8):

Ladders placed in a location where they could be displaced by workplace activities or traffic, such as in passageways, doorways, or driveways, were not secured to prevent accidental displacement, nor was a barricade used to keep the activities or traffic away from the ladder:

The three extension ladders were not protected against displacement as employees continuously used the ladders to access the roof of the commercial property. The ladders were placed in the driveway between the parking lot and storefront entrances and exposed to struck-by person and moving vehicle hazards. No barricade was in place to prevent vehicles or customers from inadvertently entering the work area. The ladders were not secured in place.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees using ladders from struck by person and moving vehicles.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$3080.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1926.1053(b)(15):

Ladders were not inspected by a competent person for visible defects on a periodic basis and after an occurrence that could affect their safe use:

The employer allows employees to be exposed to hazardous conditions by failing to inspect ladders for visible defects that can affect their safe use. This violation was most recently observed at 1910-1926 McKelvey Road, Maryland Heights, MO 63043. Two ladders each had both foot brackets damaged and bent inward which prevented each adjustable foot from making full contact with the terrain on which the ladders were set. Permitting employees to use the defective ladders could allow the ladder to slip out from under the employee utilizing the ladder. In addition, one of the ladders was missing the two top rungs. At the time of the inspection, the ladders were placed on cushions on the asphalt parking lot at the north side of the commercial structure and employees were exposed to fall hazards.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from using defective ladders.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$3080.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1926.1053(b)(16):

Portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, were not either immediately marked in a manner that readily identifies them as defective, or tagged with "Do Not Use" or similar language, and were not withdrawn from service until repaired:

The employer allows employees to be exposed to hazardous conditions by failing to withdraw from service or discard aluminum extension ladders for visible defects. This violation was most recently observed at 1910-1926 McKelvey Road, Maryland Heights, MO 63043. Two ladders each had both foot brackets damaged and bent inward which prevented each adjustable foot from making full contact with the terrain on which the ladders were set. This could allow the ladder to slip out from under the employee utilizing the ladder resulting in a fall hazard. In addition, one of the ladders was missing the two top rungs. At the time of the inspection, the ladders were placed on cushions on the asphalt parking lot at the north side of the commercial structure.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from using defective ladders.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$3080.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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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 8 a** Type of Violation: **Serious**

29 CFR 1926.1053(b)(21):

Each employee was not grasping the ladder with at least one hand when progressing up and/or down the ladder:

The employer allows employees to be exposed to hazardous conditions created by improperly using an aluminum extension ladder. The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO 63043, where workers were observed climbing up aluminum extension ladders while carrying material and equipment in their hand. The workers were exposed to a 14 foot fall hazard.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from ladder fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$3080.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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**Citation 1 Item 8 b** Type of Violation: **Serious**

29 CFR 1926.1053(b)(22):

Employees using ladders were carrying objects or loads that could cause them to lose balance and fall:

The employer allows employees to be exposed to hazardous conditions created by improperly using an aluminum extension ladder. The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO 63043, where workers were observed climbing up aluminum extension ladders while carrying material and equipment in their hand. The workers were exposed to a 14 foot fall hazard.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from ladder fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/02/2013



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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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 1 a** Type of Violation: **Willful**

29 CFR 1926.501(b)(11):

Each employee on a steep roof with unprotected sides and edges 6 feet or more above lower levels was not protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems:

The employer allows employees to be exposed to fall hazards while performing roofing work. This violation was most recently observed at a strip mall, where employees were actively installing shingles on a 14:12 pitched roof. Employees were wearing full body harnesses that were not connected to lanyards and/or anchor points. Employees were exposed to a fall hazard of approximately 13 feet at the west facing eave and 14 feet at the north facing eave.

KG Framing and Construction, LLC, were 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 314701459 citation number 1, item number 1, issued on 12/14/2010, and was affirmed as a final order on 11/11/2010, with respect to a workplace located at 4930 Lafayette Avenue, St. Louis, MO 63104.

KG Framing and Construction, LLC, were 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 314282146, citation number 1, item number 2, issued on 6/24/2010, and was affirmed as a final order on 7/16/2010, with respect to a workplace located at 3439 Lafayette Avenue, St. Louis, MO 63104.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 05/02/2013

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:** 710538  
**Inspection Date(s):** 10/12/2012 - 10/12/2012  
**Issuance Date:** 04/11/2013



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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Proposed Penalty:

\$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:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.501(b)(15):

Each employee on a walking/working surface 6 feet (1.8 meters) or more above lower levels was not protected from falling by a guardrail system, safety net system, or personal fall arrest system:

The employer allows employees to be exposed to fall hazards while performing roofing work. This violation was most recently observed at a strip mall, where employees were actively installing shingles on a 14:12 pitched roof from a store front sign that was approximately 11 feet, 6 inches above ground level. The employer allowed employees to wear harnesses without connecting to anchor points and improperly connecting lanyards to the front of full body harnesses while the leg straps were not affixed around the workers leg.

KG Framing and Construction, LLC, were 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 314701459 citation number 1, item number 1, issued on 12/14/2010, and was affirmed as a final order on 11/11/2010, with respect to a workplace located at 4930 Lafayette Avenue, St. Louis, MO 63104.

KG Framing and Construction, LLC, were 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 314282146, citation number 1, item number 2, issued on 6/24/2010, and was affirmed as a final order on 7/16/2010, with respect to a workplace located at 3439 Lafayette Avenue, St. Louis, MO 63104.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**05/02/2013**

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:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.502(d)(17):

The attachment point of the body belt was not located in the center of the wearer's back. The attachment point of the body harness was not located in the center of the wearer's back near shoulder level, or above the wearer's head:

The employer allows employees to be exposed to fall hazards while performing roofing work. This violation was most recently observed at a strip mall, where employees were actively installing shingles on a 14:12 pitched roof. Employees were wearing full body harnesses attached to lanyards through the leg straps at the groin.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from fall hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/02/2013



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.102(a)(1):

Eye and face protective equipment were not used when machines or operations presented potential eye or face injury from physical, chemical, or radiation agents:

The employer allows employees to be exposed to hazardous conditions created by not wearing safety glasses. The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO 63043, where the employer failed to ensure the use of eye protection while employees were using pneumatic nail guns to install new roof shingles. The workers were exposed to a struck-by hazard.

KG Framing and Construction, LLC, were previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.102(a)(1), which was contained in OSHA inspection number 314282146, citation number 1, item number 1, issued on 6/24/2010 and was affirmed as a final order on 8/10/2010, with respect to a workplace located at 3439 Lafayette Avenue, St. Louis, MO 63104.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including a description of how these steps protect its employees from struck by hazards while operating power hand tools.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 05/02/2013 |
| Proposed Penalty:                       | \$6160.00  |



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.503(a)(1):

The employer did not provide a training program 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:

The employer allows employees to be exposed to hazardous conditions created by not training each employee potentially exposed to fall hazards. The most recent occurrence was at 1910-1026 McKelvey Road, Maryland Heights, MO 63043, where the employer failed to ensure and/or provide fall protection training to his employees. The roofers were wearing safety harnesses, with no lanyards attached to an anchor point, wearing harnesses connecting the lanyard to the front harness webbing while the leg straps were not affixed around the worker's leg, and wearing harnesses connecting the lanyard to the leg straps. The employees were actively laying felt paper and shingling the 14:12 pitch commercial structure. The eave to ground height measured approximately 13 feet at the northwest eave and 14 feet at the north eave where the workers were exposed to a fall hazard.

KG Framing and Construction, LLC, were 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 314282146, citation 1, item number 3, issued on 6/24/2010 and was affirmed as a final order on 8/10/2010, with respect to a workplace located at 3439 Lafayette Avenue, St. Louis, MO 63104.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/23/2013  
\$6160.00

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:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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

29 CFR 1926.1053(b)(1):

Portable ladders were used for access to an upper landing surface and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface to which the ladder was used to gain access:

The employer allows employees to be exposed to hazardous conditions created by improperly positioning extension ladders. The most recent occurrence was at 1910-1926 McKelvey Road, Maryland Heights, MO 63043, where workers were observed exposed to fall hazards as they were utilizing an extension ladder which did not extend at least 3 feet above the upper landing. The workers were exposed to an approximate 13 foot fall hazard at the northwest eave.

KG Framing and Construction, LLC, were previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 314701459 citation number 1, item number 2, issued on 12/14/2010, and was affirmed as a final order on 01/06/2010, with respect to a workplace located at 4930 St. Louis Avenue, St. Louis, MO 63104.

KG Framing and Construction, LLC, were previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.1053(b)(1), which was contained in OSHA inspection number 314282146, citation number 1, item number 4, issued on 6/24/2010, and was affirmed as a final order on 08/10/2010, with respect to a workplace located at 3439 Lafayette Avenue, St. Louis, MO 63104.

Pursuant to 29 C.F.R. 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including the names and qualifications of the persons it is designating as competent, and a description of their responsibilities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 05/02/2013  
Proposed Penalty: \$15400.00

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:** 710538  
**Inspection Date(s):** 10/12/2012 - 10/12/2012  
**Issuance Date:** 04/11/2013



**Citation and Notification of Penalty**

**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043

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A handwritten signature in black ink, appearing to read "William J. McDonald". The signature is written in a cursive style and is positioned above a horizontal line.

**William McDonald**  
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  
1222 Spruce Street  
Room 9.104  
Saint Louis, MO 63103  
Phone: 314-425-4249 Fax: 314-425-4289



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** KG Framing and Construction, LLC  
**Inspection Site:** 1920-1926 McKelvey Road, Maryland Heights, MO 63043  
**Issuance Date:** 04/11/2013

|   |                    |
|---|--------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>710538</b>      |
| <b>Citation 1, Serious</b>                        | <b>\$23760.00</b>  |
| <b>Citation 2, Willful</b>                        | <b>\$70000.00</b>  |
| <b>Citation 3, Repeat</b>                         | <b>\$27720.00</b>  |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$121480.00</b> |

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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.

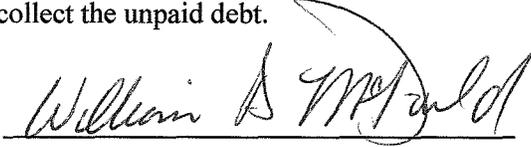
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



**William McDonald**

Area Director



Date