

## **SETTLEMENT AGREEMENT**

The Commissioner of Labor (hereinafter referred to as "Commissioner") and **Building Blocks Masonry Inc**, (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. **318011194** issued to the Employer on **April 29, 2016**, in the following manner.

### **SAFETY ORDER 01:**

- Item 1a & b: Upheld; penalty reduced to \$ 270.00, *abatement has been modified until May 29, 2016. (verified on 5/4/2016 JW)*
- Item 2a, b: Upheld; penalty reduced to \$ 270.00, *abatement has been modified until May 29, 2016. (verified on 5/4/2016 JW)*
- Item 3a, b & c: Upheld; penalty reduced to \$ 270.00, *abatement has been modified until May 29, 2016 (verified on 5/4/2016) provide proof of training JW*
- Item 4: **DELETE**; penalty reduced to \$ 0.00.
- Item 5 & Item 6: Upheld; **GROUP**, penalty reduced to \$ 450.00.
- Item 7: Upheld; penalty reduced to \$ 816.00.
- Item 8: Upheld; penalty reduced to \$ 450.00.
- Item 9: Upheld; penalty reduced to \$ 816.
- Item 10: Upheld; penalty reduced to \$ 450.00.
- Item 11: Upheld; penalty reduced to \$ 450.00.
- Item 12: Upheld; penalty reduced to \$ 450.00, *abatement has been verified on until April 26, 2016. (Work is completed)*
- Item 13: Upheld; penalty reduced to \$ 816.00.

### ***In exchange, The Employer agrees:***

- 1. Train all employee(s) who have a safety responsible in a limited scope Construction Scaffold, Fall Protection and Ladder safety, within thirty (30) days of signed Settlement Agreement.***
- 2. Develop Safety and Health programs within thirty (30) days of signed Settlement Agreement.***
- 3. The Employer shall provide an agenda and the class sign in sheet to IDOL upon completion of the course.***
- 4. PAYMENT PLAN: twelve (12) installments at \$ 459.00, starting 1<sup>st</sup> May 20, 2016, 2<sup>nd</sup> June 20, 2016, 3<sup>rd</sup> July 20, 2016, 4<sup>th</sup> Aug 20, 2016, 5<sup>th</sup> Sept 20, 2016, 6<sup>th</sup> Oct 20, 2016, 7<sup>th</sup> Nov 20, 2016, 8<sup>th</sup> Dec 20, 2016, 9<sup>th</sup> Jan 20, 2017, 10<sup>th</sup> Feb 20, 2017, 11<sup>th</sup> March 20, 2017, 12<sup>th</sup> April 20, 2017.***

Respondent understands that a request must be made in writing to IOSHA for a Petition for Modification of Abatement prior to the above abatement date if abatement cannot be met by the respective dates and an extension is required.

Except for the above specified amendments all other provisions of Safety Order Number 318011194 are retained intact.

**The TOTAL AGREED PENALTY is \$ 5,508.00**

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The total AGREED PENALTY is due and payable on within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately. **Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on your remittance. Please send payments to the following address:**

**Indiana Department of Labor  
402 West Washington Street – Room W195  
Indianapolis, Indiana 46204**

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

**Building Blocks Masonry Inc**

By: Dustin Biser

Title: owner

Date: 5-4-16

**COMMISSIONER OF LABOR**

By: [Signature]

Title: [Signature]

Date: 5 4 16

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: 317-232-1979 FAX: (317)233-3790



*certified mail # 91 7190 0005 2720 0057 8782 3-29-16 jta*

## Safety Order and Notification of Penalty

**To:**

Building Blocks Masonry INC.  
3283 Enclave Lane  
Greenwood, IN 46143

**Inspection Number:** 318011194  
**CSHO ID:** C1980  
**Optional Report No.:** 03116  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016

**Inspection Site:**

8919 South Emerson  
Indianapolis, IN 46237

*The violation(s) described in this Safety Order 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.*

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference** - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

**Right to Contest** - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMAs** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance

during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

**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 Indiana Department of Labor/IOSHA at the address shown above.

**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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

**Indiana Department of Labor**

**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 3/29/2016. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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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.

**Safety Order 01 Item 001a**                      Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59):

Job site - On January 15, 2016, the employer had not developed, implemented or maintained such program.

30 days to abate

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

5/16/2016  
\$450.00

*Develop Hazard program  
4/29/16*



**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Company Name:** Building Blocks Masonry INC  
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**Safety Order 01 Item 001b**      Type of Violation: **Serious**

29 CFR 1926.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part:

Job site - On January 15, 2015, the employer had not developed, implemented, or enforced an accident prevention safety and health program which included but are not limited to the following items:

- (1) A statement of management commitment toward the identification and evaluation of occupational hazards.
- (2) Establishment of employee participation in safety meetings and inspections.
- (3) Development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work.

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

5/16/2016  
\$0.00

*verified 5/16/16*

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

**Safety Order 01 Item 002a**                      Type of Violation: **Serious**

29 CFR 1926.20(b)(2): Inspections of the jobsite, materials, and equipment were not made by a competent person designated by the employer:

Job site - On January 15, 2015, inspections of the jobsite, materials, and equipment was not performed by a competent person where employees were exposed to scaffold and fall hazards.

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

**Corrected During Inspection**  
**\$450.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
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**Safety Order 01 Item 002b**                      Type of Violation: **Serious**

29 CFR 1926.451(f)(3): Scaffolds and scaffold components were not inspected for visible defects by a competent person before each work shift:

Job site - On January 15, 2016, the masonry walk-thru scaffold was 5 feet wide, 175 long, and 19 feet 6 inch high, with platforms at 13 feet above lower level, and was not inspected by competent person before the work shift.

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

5/16/2016  
\$0.00

*Handwritten:*  
repair on  
5/4/16  
watch needed

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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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.

**Safety Order 01 Item 003a**            Type of Violation: **Serious**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

Job site - On January 15, 2016, employees were not instructed in the recognition and avoidance of unsafe conditions applicable to their work environment such as but not limited to those connected with equipment and tools being used.

**Date By Which Violation Must Be Abated:**            **5/16/2016**  
**Proposed Penalty:**    **\$450.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 003b**                      Type of Violation: **Serious**

29 CFR 1926.454(a): The employer did not have each employee, who performs work while on a scaffold, trained by a qualified person to recognize any hazard associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards:

Job site - On January 15, 2016, employees engaged in performing work, while on a scaffold, had not been trained by a qualified person.

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

**Corrected During Inspection**  
**\$0.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
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**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
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**Safety Order 01 Item 003c**                      Type of Violation: **Serious**

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would train each employee in the procedures to be followed to minimize hazards related to ladders and stairways:

Job site - On January 15, 2016, the employer did not provide such a program and train each employee in the use of and hazards related to ladders.

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

5/16/2016  
\$0.00  
*verified*  
*5/30/16*  
*5/4/16*

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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**Safety Order 01 Item 004**

Type of Violation: **Serious**

29 CFR 1926.152(d)(2): A portable fire extinguisher having a rating of not less than 20-B units was not located between 25 feet and 75 feet from flammable liquid storage area(s) located outside:

Job site - January 15, 2016, no fire extinguisher was provided for the three 210 gallon white steel propane tanks storage areas.

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

4/23/2016  
\$450.00

*DELETED*

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
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**Safety Order 01 Item 005**                      Type of Violation: **Serious**

29 CFR 1926.451(c)(1)(iii): Supported scaffolds were not guyed, tied, and braced to prevent tipping of scaffolds in all circumstances where an eccentric load was applied or transmitted to the scaffold:

West side of job site - January 15, 2016, no guys, ties or braces were installed to prevent the tipping of the west side scaffold approximately 5 feet wide, 49 feet long, 21 feet high supported scaffold with masons walk platforms at heights of approximately 13 feet that is enclosed in plastic on the outside of the scaffold that created an eccentric load due to the wind.

North side of job site - January 15, 2016, no guys, ties or braces were installed to prevent the tipping of the north side scaffold approximately 5 feet wide, 175 feet long, 19 feet high supported scaffold with masons walk platforms at heights of approximately 13 feet that has two personnel platforms being used as material platforms with pallets of block and mortar tubs on the outside of the scaffold that created an eccentric load.

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

**Corrected During Inspection**  
**\$1,500.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
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**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
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**Safety Order 01 Item 006**                      Type of Violation: **Serious**

29 CFR 1926.451(c)(2)(i): On supported scaffolds, the footings or anchorage for scaffolds was not sound, rigid, and capable of carrying the maximum intended load without settling or displacement:

North side if job site - January 15, 2016, the fabricated frame scaffold 5 feet wide, 19 feet 6 inch high, 175 feet long, and it's footing or anchorage in that the legs were setting on walk board with the earth removed from under it and they were not place in the center of the boards with some over hanging and with pieces of trash wood under them to level them.

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

**Corrected During Inspection**  
**\$750.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
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**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
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**Safety Order 01 Item 007**                      Type of Violation: **Serious**

29 CFR 1926.451(e)(9)(iv): Access for employees erecting or dismantling a tubular welded frame scaffold was not by means other than crossbraces:

West side of job site - January 15 2016, employees engaged in erecting the masonry walk-thru type scaffold that was 21 feet above the lower level, were accessing the scaffold by using cross braces, and the provided attached scaffold ladder was not used.

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

**Corrected During Inspection**  
**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
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**Safety Order 01 Item 008**

Type of Violation: **Serious**

29 CFR 1926.451(f)(1): Scaffolds and scaffold components were not prevented from being loaded in excess of their maximum intended loads or rated capacities, whichever was less:

North side of job site- On January 15, 2016, employees were using scaffold personnel platforms on the rear of the scaffold in two different areas of the scaffold for storing pallets of block, mortar tubs 13 feet high above the lower level and walk boards that have cracks, splits and cut from a saw in them.

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

**Corrected During Inspection**  
**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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**Safety Order 01 Item 009**

Type of Violation: **Serious**

29 CFR 1926.451(g)(1)(vii): Employee(s) on a scaffold not otherwise specified in paragraphs 1926.451(g)(1) through (g)(1)(vi) of this section were not protected by use of a personal fall arrest system or guardrail system:

A. West side scaffold-- On January 15, 2016, guardrails were not installed on the work platforms on the masonry walkthrough scaffold approximately 21 feet high, 49 feet long, and 5 feet wide, with the scaffold platform approximately 13 feet above the lower level were not protected from falls.

B. North side scaffold-- On January 15, 2016, guardrails were not installed on the work platforms on the masonry walkthrough scaffold approximately 19 feet 6 inches high, 175 feet long, and 5 feet wide, with the scaffold platform approximately 13 feet above the lower level were not protected from falls.

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

**Corrected During Inspection**  
**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

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**Safety Order and Notification of Penalty**

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**Safety Order 01 Item 010**                      Type of Violation: **Serious**

29 CFR 1926.452(c)(2): On fabricated frame scaffolds, frames and panels were not erected plumb, level, and square:

A. West side of job site - January 15, 2016, the erected fabricated frame masons walk thru scaffold, that was 5 feet wide, 49 feet long, and 21 feet high, with working platforms at 13 feet above the lower level, was not erected plumb, level and/or square.

B. North side of job site - January 15, 2016, the erected fabricated frame masons walk thru type scaffold, that was 5 feet wide, 175 feet long and 19 feet 6 inches high, with working platforms at 13 feet above the lower level, was not erected plumb, level and/or square.

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

**Corrected During Inspection**  
**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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**Safety Order 01 Item 011**                      Type of Violation: **Serious**

29 CFR 1926.452(c)(4): On fabricated frame scaffolds, where uplift can occur which would displace scaffold end frames or panels, the end frames or panels, were not locked together vertically by pins or equivalent means:

A. West side of job site - On January 15, 2016, where uplift could occur, the fabricated frame masons walk thru type scaffold that was 21 feet high, 49 feet long, and 5 feet wide with a working platform 13 feet above the lower level, was not locked together vertically by pins or other equivalent means.

B. Noth side of job site - On January 15, 2016, where uplift could occur, the fabricated frame masons walk thru type scaffold that was 19 feet 6 inch high, 175 feet long, and 5 feet wide with a working platform 13 feet above the lower level, was not locked together vertically by pins or other equivalent means.

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

**Corrected During Inspection**  
**\$1,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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**Safety Order 01 Item 012**

Type of Violation: **Serious**

29 CFR 1926.501(b)(1): Each employee on a walking/working surface with an unprotected side or edge which was 6 feet or more above a lower level was not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems:

Roof of building - On January 15, 2016, employees engaged in constructing a parapet block wall at a height of 15 feet 4 inches above the lower level, was not protected from falling.

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

**4/18/2016**  
**\$750.00**

*4/29/16  
work completed*

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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**Safety Order 01 Item 013**                      Type of Violation: **Serious**

29 CFR 1926.1053(b)(9): The area around the top and bottom of ladders was not kept clear:

West side of job site - On January 15, 2016, the area around the top/bottom of the 18 feet scaffold access/egress ladder was not kept clear of plastic wrap.

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

**Corrected During Inspection**  
**\$1,500.00**



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318011194  
**Inspection Date(s):** 1/15/2016 - 2/9/2016  
**Issuance Date:** 3/29/2016  
**CSHO ID:** C1980  
**Optional Report No.:** 03116

**Safety Order and Notification of Penalty**

**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237

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**Safety Order 02 Item 001**

Type of Violation: **NonSerious**

29 CFR 1926.503(b)(1): The employer did not prepare a written certification record containing the name or other identify of employee trained, the date(s) of the training, and the signature of the person who conducted the training:

Job site - On January 15, 2016, the employee did not prepare such record/certification.

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

**Corrected During Inspection**  
**\$0.00**

*Jerry W. Lander /HOS*  
Jerry W. Lander  
Director of Construction Safety

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-1979 FAX: (317)233-3790



## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** Building Blocks Masonry INC  
**Inspection Site:** 8919 South Emerson, Indianapolis, IN 46237  
**Issuance Date:** 3/29/2016

**Summary of Penalties for Inspection Number: 318011194**

<b>Safety Order 1, Serious</b>	<b>= \$13,800.00</b>
<b>Safety Order 2, NonSerious</b>	<b>= \$0.00</b>
<b>TOTAL PENALTIES</b>	<b>= \$13,800.00</b>

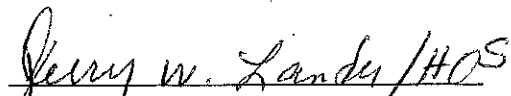
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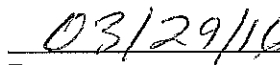
Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

  
Jerry W. Lander  
Director of Construction Safety

  
Date