



**MICHAEL R. FENCE, GOVERNOR**  
*Rick J. Ruble, Commissioner*

402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751

Phone: (317) 232-2855  
Fax: (317) 233-3790

January 30, 2014

Ms. Glenda Leach, Owner  
F&B Hospitality LLC d/b/a Ambrosia Inn  
293 South Thompson Road  
Lexington, IN 47138

RE: Inspection #317059038

Dear Ms. Leach:

An inspection of the Ambrosia Inn located at 1615 Baldwin Avenue, Marion, IN 46952 was initiated on October 9, 2013, based on a robbery resulting in a workplace fatality. The Occupational Safety and Health Administration (OSHA) regards workplace violence as a serious safety and health hazard. The purpose of this letter is to bring your attention to workplace violence and encourage you to address it within your establishment.

The Ambrosia Inn is located on the outskirts of the City of Marion in a relatively remote location. The motel is being remodeled and has plywood stretching across various parts of the building's exterior. Ambrosia Inn has an exterior video surveillance system, but the video cameras are not connected to display monitors or recording devices and the reception desk does not have a panic alarm system. A locked door separates the reception desk from the lobby. Less than \$100 cash is kept in a locked drawer at the reception desk. Additional cash is kept at the reception desk in a digitally locked safe, but the safe is not secured to the floor. Employees frequently work alone at the reception desk, but are not permitted outside alone between the hours of 11:00 p.m. to 8:00 a.m. The Ambrosia Inn was robbed at gunpoint around 8:00 a.m. on Sunday, September 29, 2013. The employee working at the receptionist desk was shot during the robbery and later died of the injuries sustained.

A study entitled "Convenience Store Security at the Millennium," published by the National Association of Convenience Stores and authored by Dr. Rosemary J. Erickson (February, 1998), found robbers consider the following items when targeting a store: assurance that money is available; risk-to-take ratio; ability to be persuasive; disruption avoidance; ability to obtain money quickly; avoid being seen by anyone but the victim; avoid being recognized; and ability to get away quickly and easily. Furthermore, the study indicated that perpetrators are more concerned with the amount of money available and the ease of getaway than solo or isolated workers. According to interviews with robbers, performing money drops and not having much cash in the register is the cue for a potential robber to move on. Even though the Ambrosia Inn is not a convenience store, many of the reasons perpetrators target certain convenience stores can be similarly applied to motels like Ambrosia Inn.

The aforementioned hazards can be minimized and addressed through a workplace violence prevention program. The four components of an effective workplace violence prevention program are: 1) management commitment and worker involvement; 2) worksite analysis; 3) hazard prevention and control; and, 4) safety and health training. Management provides the motivation and ability to effectively address workplace violence whereas workers' experiences can help identify practical solutions to safety challenges. A worksite analysis involves a step-by-step assessment to identify environmental and

operational risks for violence at each site. Integrating complementary controls becomes the basis of a proactive and institutionalized plan for workplace safety. Lastly, training and education ensures all employees are aware of the specific hazards associated with their jobs and worksite, and how to protect themselves and their coworkers through established policies and procedures.

No OSHA standard specifically addresses workplace violence and it is not considered appropriate at this time to invoke IC 22-8-1.1 Section 2, the General Duty of the Indiana Code, thus no citation will be issued for the hazards associated with workplace violence and robbery. However, in the interest of workplace safety and health, I recommend you implement feasible methods which may include, but are not limited to, the following in order to protect employees from the hazard of workplace violence:

1. Create and disseminate a clear policy of zero tolerance for workplace violence, verbal and nonverbal threats and related actions. Ensure that no employee who reports or experiences workplace violence faces reprisals and encourage employees to promptly report incidents as well as suggest ways to reduce or eliminate risks. Affirm management commitment to a worker-supportive environment that places as much importance on employee safety and health as on serving the customer.
2. Conduct an initial and then periodic worksite hazard analyses to assess program implementation and confirm continuous improvement. Hazard analysis is the foundation of a violence prevention program. First, identify and analyze trends in assaults and robberies relative to location, time of day, job title, and activity for the surrounding areas. Tabulate these data to target the frequency and severity of incidents to establish a baseline for measuring improvement. Implement actions to address such trends and measure improvement over time. Survey employees at least annually to identify new or previously unnoticed risk factors and deficiencies or failures in work practices, procedures, or controls, and request safety improvement suggestions. Employee suggestions to improve store safety must be taken seriously. Communicate with employees in a timely manner about those suggestions that will be implemented and those that will not, and why. Lastly, analyze and evaluate workplace safety and security. Periodically inspect the store and evaluate job tasks to identify hazards, conditions, or operations and situations that could expose workers to violence. Share workplace violence prevention evaluation reports with all workers.
3. Assign responsibility and authority for the violence prevention program to individuals or teams with appropriate training and skills. Ensure that adequate resources are available and that those responsible for the program develop expertise on workplace violence prevention in payday loan settings.
4. Work with other parties such as landlords, lessees, local police, and other public safety agencies to improve security in and around the store location. Request periodic law enforcement or outside consultant review of the worksite for recommendations on improving worker safety.
5. Minimize risk through engineering controls and workplace adaptations. Engineering controls are considered the most effective because they make physical improvements without any dependence on human behavior. Equip the store with panic alarm buttons on the floor underneath the reception desk or inside the cash drawer. Ensure regular maintenance is performed on the security system, video surveillance, and panic alarm buttons. Use a time-delayed or drop safe to limit the availability of cash and post signs stating such safes are in use. Remove objects and furnishings that could be used as weapons. Install doors or gates between the lobby and employee

work areas. Use door detectors so workers are alerted when someone enters the store. Use revolving doors, large distances between entrances and teller stations, higher teller counters, queuing and other physical barriers. Studies show that physical and perceptual objects that slow a robber's escape tend to reduce the attractiveness of the target.

6. Train workers on the specific hazards associated with their jobs and worksite to help them minimize their risk of assault and injury. Emphasize the employees' own safety as a motivator, instead of presenting it as a company policy that employees will be punished for violating. Training should include information on worksite specific potential hazards and instructions on how to control those hazards. Visiting workers need to receive worksite specific training before working at another location. Employees should also be trained to study the robber as carefully as possible without being obvious. Note the robber's height, weight, race, age, clothing, sex, speech characteristics, scars, tattoos, distinguishing physical characteristics, gait, method of operation, number of accomplices, direction in which robber leaves and mode of travel, as well as physical features of the vehicle if one is used.

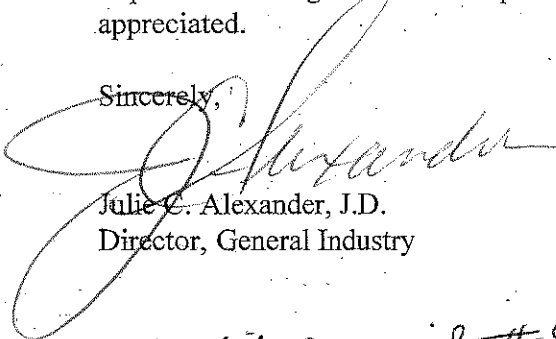
7. Implement a procedure that requires employees to routinely call and speak with another employee while conducting work errands, field calls, and after-work deposits in order to monitor their safety. Monitor employees regularly to ensure that proper work practices are being used. Provide periodic constructive feedback to employees to ensure they understand and appreciate the importance of these procedures.

8. Greet and look every customer in the face. Studies show greeting customers makes them feel welcome and a warm greeting to a would-be robber eliminates psychological trigger points the robber needs to initiate the crime, like confidence, anonymity, and control over fear. Keep windows clean and unobstructed. Do not block visibility through windows with signs or banners.

9. Install height markers on exit doors to help witnesses provide more accurate descriptions of assailants.

More information regarding the prevention of workplace violence is available on the OSHA website at <http://www.osha.gov/SLTC/workplaceviolence/index.html>. Your interest in workplace safety and health is appreciated.

Sincerely,



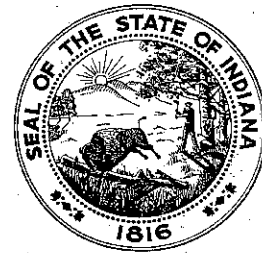
Julie C. Alexander, J.D.  
Director, General Industry

Certified mail # 91 7190 0005 2720 0032 6444

1-30-14

JC

Indiana Department of Labor  
Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-8509



*certified mail #917190 0005 2720 0032 6444 1-30-14 JLO*

## Safety Order and Notification of Penalty

**To:**  
F&B Hospitality LLC,  
and its successors  
293 South Thompson Road  
Lexington, IN 47138

**Inspection Number:** 317059038  
**Inspection Date(s):** 10/09/2013 - 12/05/2013  
**Issuance Date:** 01/30/2014  
*JLO*

**Inspection Site:**  
1615 Baldwin Avenue  
Marion, IN 46952

*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.

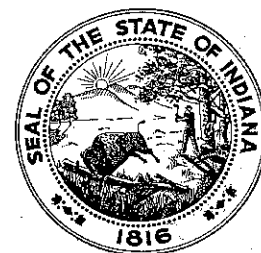
**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 01/30/2014. The conference will be held at the IOSHA office located at 402 West

Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at

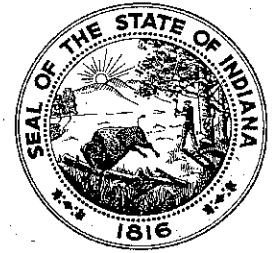
\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 317059038  
Inspection Dates: 10/09/2013 - 12/05/2013  
Issuance Date: 01/30/2014  
*gla*



**Safety Order and Notification of Penalty**

Company Name: F&B Hospitality LLC  
Inspection Site: 1615 Baldwin Avenue, Marion, IN 46952

Safety Order 1 Item 1 Type of Violation: **Nonserious**

29 CFR 1904.39(a): The employer did not report within eight (8) hours the death of an employee from a work-related incident to the Area Office of the Occupation Safety and Health Administration (OSHA):

Facility - A workplace fatality from a gunshot wound suffered during an attempted robbery of the reception desk on September 29, 2013 was not reported to the Indiana Occupational Safety and Health Administration.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$ 00.00  
*gla*

Safety Order 1 Item 2 Type of Violation: **Nonserious**

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment:

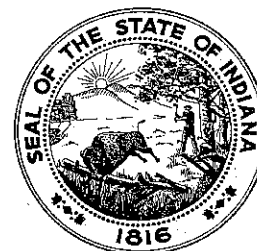
Facility - No workplace hazard assessment was documented for employees who used hazardous chemicals, such as but not limited to, Blue Concentrate Multi-Purpose Cleaner, Horizon Sparkle Multi-Surface Cleaner, Horizon Glisten Non-Acid Bathroom Cleaner, bleach, and fabric softener on a regular and routine basis for general housekeeping duties.

**Date By Which Violation Must be Abated:** 02/04/2014  
**Proposed Penalty:** \$ .00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 317059038  
**Inspection Dates:** 10/09/2013 -  
12/05/2013  
**Issuance Date:** 01/30/2014  
*fla*



**Safety Order and Notification of Penalty**

**Company Name:** F&B Hospitality LLC  
**Inspection Site:** 1615 Baldwin Avenue, Marion, IN 46952

Safety Order 1 Item 3 Type of Violation: **Nonserious**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure and employee training to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative in accordance with 29 CFR 1910.147(c)(4):

Facility - An energy control program was not developed, documented, or utilized, and employee training was not conducted before outside personnel (contractors) performed remodeling, servicing and maintenance activities on machines or equipment such as, but not limited to, heating, ventilation, and air conditioning systems.

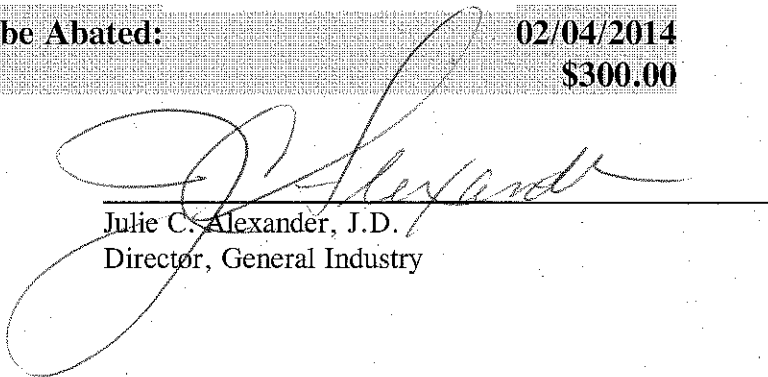
**Date By Which Violation Must be Abated:** 02/04/2014  
**Proposed Penalty:** \$ .00

Safety Order 1 Item 4 Type of Violation: **Nonserious**

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:

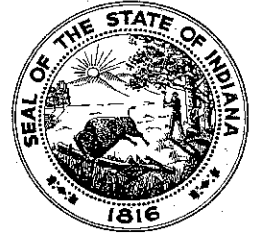
Facility - No written hazard communication program was developed in the workplace where employees used hazardous chemicals such as, but not limited to, Blue Concentrate Multi-Purpose Cleaner, Horizon Sparkle Multi-Surface Cleaner, Horizon Glisten Non-Acid Bathroom Cleaner, bleach and fabric softener on a regular and routine basis.

**Date By Which Violation Must be Abated:** 02/04/2014  
**Proposed Penalty:** \$300.00

  
\_\_\_\_\_  
Julie C. Alexander, J.D.  
Director, General Industry

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979; Fax: 317/233-8509



**INVOICE/DEBT COLLECTION NOTICE**

**Company Name:** F&B Hospitality LLC  
**Inspection Site:** 1615 Baldwin Avenue, Marion, IN 46952  
**Issuance Date:** 01/30/2014  
*JK*

**Summary of Penalties for Inspection Number** 317059038

<b>Safety Order 01, Nonserious</b>	=	\$ 300.00
<b>Total Proposed Penalties</b>		\$ 300.00

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". Visit <https://payingov.com/dol/> to make payment with a debit/credit card. 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).

*Julie C. Alexander*  
Julie C. Alexander, J.D.  
Director, General Industry

*1/30/14*  
Date