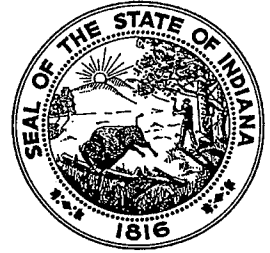


Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-3790



Certified mail # 7003 1010 0003 5730 7333 4-7-10 JH

Safety Order and Notification of Penalty

To:

Lipsius Construction,
and its successors
1066 Torino Ct.
Attn: Jim Lipsius
Franklin, IN 46131

Inspection Number: 313903668

Inspection Date(s): 11/23/2009 - 12/08/2009

Issuance Date: 04/07/2010

Inspection Site:

6241 Royal Gate Place
Residential Home
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.

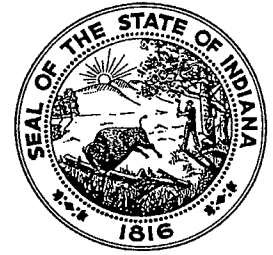
Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 04/07/2010. 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: 313903668

Inspection Dates: 11/23/2009 - 12/08/2009

Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction

Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

Safety Order 1 Item 1 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 11/23/09 the employer had not developed, implemented, or enforced an accident prevention safety and health program which included but is 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 conditions

Date By Which Violation Must be Abated:

05/25/2010

Proposed Penalty:

\$1,050.00

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

29 CFR 1926.20(b)(2): The employers safety program did not provide for frequent and regular inspections of the jobsite and equipment by a competent person:

Job site - On 11/23/09, the employers designated competent person, on the site, failed to identify existing and predictable hazards and/or take the necessary measures to alleviate the hazards of fall hazards, electrical hazards and scaffolding hazards.

Date By Which Violation Must be Abated:

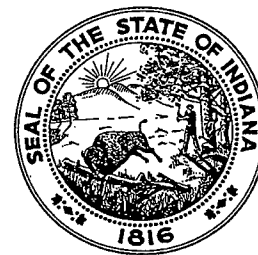
05/25/2010

Proposed Penalty:

\$1,050.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313903668
Inspection Dates: 11/23/2009 - 12/08/2009
Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

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

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury:

Job site - On 11/23/09, the employees were not instructed, or adequately instructed, in the recognition and avoidance of unsafe conditions applicable to their work environment such as but not limited to those connected with PPE, scaffolds, electrical and falls.

Date By Which Violation Must be Abated: **05/25/2010**
Proposed Penalty: **\$1,050.00**

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

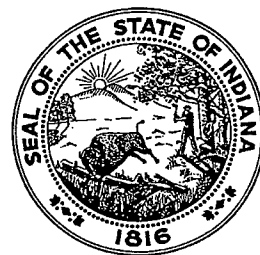
29 CFR 1926.95(a): Protective equipment including personal protective equipment (PPE) for eyes, face, head and extremities, protective clothing, respirator devices, and protective shields & barriers was not provided, used, or maintained:

job site - On 11/23/09, protective hats, safety glasses was not used for employees while working up under employee on scaffold and cutting wood for exterior trim.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$1,050.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313903668
Inspection Dates: 11/23/2009 - 12/08/2009
Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

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

Safety Order 1 Item 5a Type of Violation: **Serious**

29 CFR 1926.403(e): Conductors were not spliced or joined with splicing devices designed for the use or by brazing, welding, or soldering with a fusible metal or alloy:

Job site - On 11/23/09, the conductors of the Dewalt, model#DW7570, 7 1/4 wheel, that were twisted together and covered with electrical type tape were not joined by brazing, welding or soldering.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$600.00

Safety Order 1 Item 5b Type of Violation: **Serious**

29 CFR 1926.416(e)(1): Worn or frayed electric cords or cables were used:

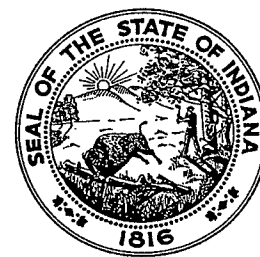
a) job site - On 11/23/09, a Dewalt, model#DW7570, 7 1/4 wheel, electric saw, with a worn and frayed cord was being used and was not properly removed from service.

b) job site - On 11/23/09, the yellow, approximately 50 foot, round, 3 wire frayed extension cord providing power to the Dewalt, 7 1/4 wheel, model#DW7570, electric saw was not prevented from being, used or properly removed from service.

Date By Which Violation Must be Abated:

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 313903668
Inspection Dates: 11/23/2009 - 12/08/2009
Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

Safety Order 1 Item 6 Type of Violation: **Serious**

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

- a) Job site - On 11/23/09, the Dewalt, model#ds5155, serial#025223, yellow, air compressor, did not have a path to ground in that the grounding member was missing from the grounding type attachment plug.
- b) job site - On 11/23/09, the 3 wire, round, red, extension cord, used with a Dewalt, 7 1/4 wheel, electric saw did not have a path to ground in that the grounding member was missing from the grounding type attachment plug.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$1,500.00**

Safety Order 1 Item 7 Type of Violation: **Serious**

29 CFR 1926.451(b)(2): Each scaffold platform or walkway was not at least 18 inches wide:

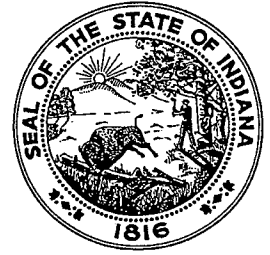
- a) West side of building - On 11/23/09 the 11.5 feet high scaffold platform or walkway on the supported scaffold was 12 inches wide and was not at least 18 inches wide.
- b) West side of building - On 11/23/09 the 8 feet 10 inch high scaffold platform or walkway on the supported scaffold was 10 inches wide and was not at least 18 inches wide.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$1,050.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313903668
Inspection Dates: 11/23/2009 - 12/08/2009
Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

Safety Order 1 Item 8 Type of Violation: **Serious**

29 CFR 1926.451(e)(1): Access was not provided to scaffold platforms more than 2 feet above or below point of access by ladders, stairways, stair towers, ladder stands, runways, walkways, integral prefabricated scaffold access or direct access from another scaffold:

- a) West side of building - On 11/23/09, employees were climbing from platform 8 feet 10 inches high to the platform 11.5 inches high platform and were not using step ladder provided.
- b) West side of building - On 11/23/09, employees were climbing from the 8 feet 10 inch high work platform to a 6 foot high step ladder and no safe access was provided for platform more than 2 feet above point of access.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,050.00

Safety Order 1 Item 9 Type of Violation: **Serious**

29 CFR 1926.451(f)(7): Scaffold were not erected, moved, dismantled, or altered under the supervision and direction of a competent person qualified in such:

Scaffold - On 11/23/09 the employee who erected, the 17 1/2 foot long, 11.5 high supported scaffold with no fall protection, no safe access and work platform not at least 18 inches, were not under the supervision and direction of a competent person qualified in scaffold erection.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,050.00

Safety Order 1 Item 10 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:

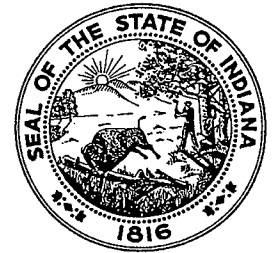
Scaffold - On 11/23/09, the employer did not provide fall protection to the employee working from a work platform at heights of 8 feet 10 inches up to 11.5 feet.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,050.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313903668
Inspection Dates: 11/23/2009 - 12/08/2009
Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

Safety Order 1 Item 11 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:

Center of building - On 11/23/09, the employer did not protect the employees with a guardrail system, safety net system or personal fall arrest system on an unprotected side or edge greater than 6 feet from a lower level.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$600.00**

Safety Order 1 Item 12 Type of Violation: **Serious**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee who might be exposed to fall hazards:

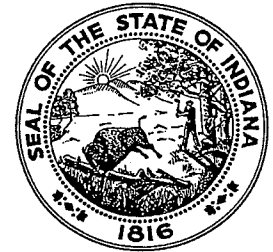
Job site - On 11/23/09 the employee exposed to falls were not provided with fall protection training.

Date By Which Violation Must be Abated: **05/25/2010**
Proposed Penalty: **\$600.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313903668
Inspection Dates: 11/23/2009 - 12/08/2009
Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

Safety Order 2 Item 1 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: (Construction Reference: 1926.59)

Job site - On 11/23/09 the employer had not developed, implemented or maintained such program.

Date By Which Violation Must be Abated: 05/25/2010
Proposed Penalty: \$.00

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

29 CFR 1926.1200(h)(1): Employees were not provided information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

Job site - On 11/23/09 information and training, on hazardous chemicals such as, but not limited to, pipe joint compound, was not provided to any employee.

Date By Which Violation Must be Abated: 05/25/2010
Proposed Penalty: \$.00

Safety Order 2 Item 3 Type of Violation: **Nonserious**

29 CFR 1926.403(g): Electric equipment which was in use did not have the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product could be identified, and other marking giving voltage, current, wattage, or other ratings as necessary:

job site - On 11/23/09, the electric saw did not have a nameplate or other markings giving the required information.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$.00

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313903668

Inspection Dates: 11/23/2009 - 12/08/2009

Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction

Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

Safety Order 2 Item 4 Type of Violation: **Nonserious**

29 CFR 1926.1053(b)(4): Ladders were used for purposes other than the purposes for which they were designed:

Job site - The 6 feet high step ladder, was not folded out and was leaning against the wall and an employee was using the ladder to access to the 8 feet 10 inch high platform on the supported scaffold.

Date By Which Violation Must be Abated: **05/03/2010**
Proposed Penalty: **\$300.00**

Safety Order 2 Item 5 Type of Violation: **Nonserious**

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 identified them as defective, or tagged with "Do Not Use" or similar language, and were not withdrawn from service until repaired:

a) Job site - On 11/23/09 the green, 6 feet long aluminum ladder had structural defects of bent rungs and damage legs of ladder and was used as access/egress to platform and had not been identified as defective, tagged do not used, or removed from service.

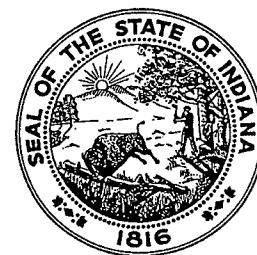
b) Job site - On 11/23/09 the orange, 6 feet long aluminum ladder had structural defects of bent rungs, damage legs, missing footing, it had not been identified as defective, tagged do not use, or removed from service.

Date By Which Violation Must be Abated: **05/03/2010**
Proposed Penalty: **\$300.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 313903668
Inspection Dates: 11/23/2009 - 12/08/2009
Issuance Date: 04/07/2010



Safety Order and Notification of Penalty

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237

Safety Order 2 Item 6 Type of Violation: **Nonserious**

29 CFR 1926.1053(b)(18): Ladder repairs did not restore the ladder to a condition meeting its original design criteria, before the ladder was returned to use:

- a) Job site - On 11/23/09, the repairs made to the 6 foot aluminum step ladder did not restore the ladder to a condition meeting its original design in that the ladder repair was made using wood blocks to install down at the feet of the ladder for support.
- b) Job site - On 11/23/09, the repairs made to the 6 foot aluminum step ladder did not restore the ladder to a condition meeting it original design in that the ladder repair was made using wood blocks to install down at the feet of the ladder for support.

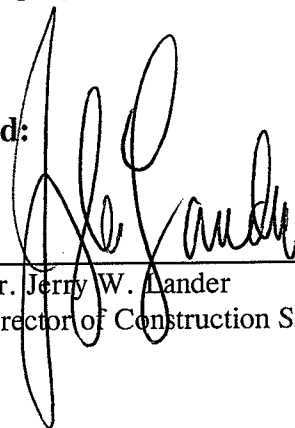
Date By Which Violation Must be Abated: 05/03/2010
Proposed Penalty: \$300.00

Safety Order 2 Item 7 Type of Violation: **Nonserious**

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

Job site - On 11/23/09 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: 05/03/2010
Proposed Penalty: \$300.00



Mr. Jerry W. Lander
Director of Construction Safety Compliance

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: 317/233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: Lipsius Construction
Inspection Site: 6241 Royal Gate Place, Residential Home, Indianapolis, IN 46237
Issuance Date: 04/07/2010

Summary of Penalties for Inspection Number		313903668
Safety Order 01, Serious	=	\$11700.00
Safety Order 02, Nonserious	=	\$1200.00
Total Proposed Penalties		\$12,900.00

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". 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).

Mr. Jerry W. Lander
Director of Construction Safety Compliance

Date

4/7/10