

SETTLEMENT AGREEMENT * FTA

Received

JUL 02 2015

Louisiana Dept. of Labor
I.O.S.H.A.

The Commissioner of Labor (here in after referred to as "Commissioner") and the *Milestone Construction Co Inc*, herein after referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 317454977 issued to the Employer on June 2, 2015 in the following manner.

SAFETY ORDER 01:

- Item 1a: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015.*
- Item b: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015.*
- Item c: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015.*
- Item 2b: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015.*
- Item 2c: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015.*
- Item 3a: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015.*
- Item 3b: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015..*
- Item 3c: Upheld; penalty reduced to \$ 0.00, *abatement was verified on June 23, 2015.*

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.

In exchange, The Employer agrees:

1. *The Employer will train all employees who have a safety responsible in construction Fall Protection, Scaffolds and Ladder safety.*
2. *The Employer twill train all Supervisors in Competent Person safety.*
3. *The Employer will developed Safety and Health programs.*
4. *IDOL will verified ALL training and programs.*
5. *UPON COMPLEPTION OF ALL ABATEMENT BY JULY 2, 2015, ALL PENALTIES WILL BE REDUCED TO \$ 0.00, PER Area Director jLANDER.*
6. *ALL ABATEMENT MATERIALS WHERE RECEIVED ON JUNE 23, 2015.*
7. *ALL PENALTIES WILL REFLECT \$0.00 WITH A TOTAL BALANCE OF \$ 0.00.*

Except for the above specified amendments all other provisions of Safety Order Number 317862977 are retained intact.

The TOTAL AGREED PENALTY is \$ 0.00

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.

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.

Milestone Construction Co Inc
By: DAVID T. HALL
Title: OWNER
Date: 7-2-15

COMMISSIONER OF LABOR
By: [Signature]
Title: [Signature]
Date: 7/9/15

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 #917190 0085 27200043 2978 4-8-15 JED

Notification of Failure to Abate Alleged Violations

To:
Milestone Construction Company Inc
101 East Riverside Drive
Evansville, IN 47713

Inspection Site:
3500 Hogue Road
Evansville, IN 47712

Original Inspection Number: 317454197
Original Inspection Date(s): 5/30/2014 - 6/27/2014
Inspection Number: 317862977
Inspection Date(s): 02/25/2015 - 04/02/2015
Issuance Date: 4/8/2015

The violation(s) described in this Notification of Failure to Abate Alleged Violations is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

After the original inspection, a Safety Order(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and State holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Notification is affirmed by the Review Commission.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the IOSHA office issuing the

safety order and identification above. The certification **must** be sent by you within **10 calendar days** of the abatement date of the abatement date identification on the safety order. For **Knowing and Repeat** violations, documents (examples: photos, copies of recipes, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the safety order is classified as Serious and the safety orders states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the safety order indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

For each safety order where you do contest the violation or the abatement date, your obligation to submit abatement certification and any documents is delayed until the contest and the 10-day period after the abatement date have expired. See 29CFR-1903.19 and the OSHA-3000 booklet for more information.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the safety order and safety order item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to IOSHA, also be posted at the location where the violation appeared and the corrective action took place.

Inspection Activity Data - you should be aware that IOSHA publishes information on its inspection and safety order activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Safety Order Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

Make your check or money order payable to "Indiana DOL/IOSHA". Please indicate the Inspection Number on the remittance.

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 7/28/2014. The conference will be held at the OSHA 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

Notification of Failure to Abate Alleged Violation

Original Inspection:	317454197	Inspection Number:	317862977
Original Inspection Date(s):	5/30/2014 - 6/27/2014	Inspection Date(s):	02/25/2015 - 04/02/2015
		Issuance Date:	4/8/2015
		CSHO ID:	X6440
		Optional Report No.:	02515

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

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

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 May 30, 2014 the employer had not developed, implemented, or maintained such program.

FAILURE TO ABATE Safety Order 01 Item 001a, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty: \$11,250.00

Indiana Department of Labor

Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

Original Inspection:	317454197	Inspection Number:	317862977
Original Inspection Date(s):	5/30/2014 - 6/27/2014	Inspection Date(s):	02/25/2015 - 04/02/2015
		Issuance Date:	4/8/2015
		CSHO ID:	X6440
		Optional Report No.:	02515

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

Safety Order 01 Item 001b

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical which they used: (Construction Reference: 1926.59):

Job Site ----- On May 30, 2014, and before the employer did not have Safety Data Sheets (SDS) for such products as Sherwin Williams 100% Acrylic Formula Exterior Latex 6868 Paint, Sherwin Williams Acrylic Latex Extra White 6500-47269 and for Sherwin Williams Exterior Gloss Ultradeep Base HG4400054.

FAILURE TO ABATE Safety Order 01 Item 001b, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty: \$7,500.00

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

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		Optional Report No.:	02515

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

Safety Order 01 Item 001c

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area: (Construction Reference: 1926.59)

Job site ----- On May 30, 2014, and before information and training, on hazardous chemicals, such as but not limited to Sherwin Williams 100% Acrylic Real Red 6868 Exterior Latex Paint, Exterior Acrylic Latex Extra White Paint 6500-47269, Sherwin Williams Exterior Gloss Ultradeep Base HG4400054 was not provided to any the employees on the jobsite.

FAILURE TO ABATE Safety Order 01 Item 001c, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty: \$7,500.00

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

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		Optional Report No.:	02515

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

Safety Order 01 Item 002b

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

Job site ----- On May 30, 2014, and before the employers competent person, on the site, failed to identify existing and predictable hazards and/or take the necessary measures to alleviate the hazards of falls and scaffolds.

FAILURE TO ABATE Safety Order 01 Item 002b, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty: \$7,500.00

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

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Original Inspection Date(s):	5/30/2014 - 6/27/2014	Inspection Date(s):	02/25/2015 - 04/02/2015
		Issuance Date:	4/8/2015
		CSHO ID:	X6440
		Optional Report No.:	02515

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

Safety Order 01 Item 002c

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

South side of job site ----- On May 30, 2014, and before the 19 inch wide by 7 foot long Bil Jax aluminum framed plywood decked work platform on the 3rd level of the Bil Jack 5-foot wide, 7 foot long, 13 feet 7 inch high, fabricated frame scaffold is damaged, deteriorated, weathered, and the scaffold platform has a chunk of plywood missing out of the work platform, and the work platform has not been taking out of service.

FAILURE TO ABATE Safety Order 01 Item 002c, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty: \$7,500.00

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

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Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

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

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 May 30, 2014, and before 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 falls and scaffolds.

FAILURE TO ABATE Safety Order 01 Item 003a, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty: \$15,000.00

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

Notification of Failure to Abate Alleged Violation

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		Issuance Date:	4/8/2015
		CSHO ID:	X6440
		Optional Report No.:	02515

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

Safety Order 01 Item 003b

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 hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards:

Job site ----- On or before May 30,2014, employee engaged in performing work, while on a scaffold, had not been trained by a qualified person.

FAILURE TO ABATE Safety Order 01 Item 003b, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty: \$7,500.00

Indiana Department of Labor
Indiana Occupational Safety and Health Administration

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		Optional Report No.:	02515

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712

Safety Order 01 Item 003c

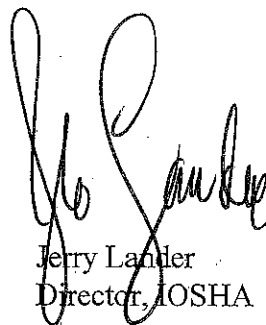
29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would enable each employee to recognize hazards related to ladders and stairways and train each employee in the procedures to be followed to minimize these hazards.

West side of Job site ----- On May 30, 2014 and before the employer did not provide such a program and train each employee in the use of and hazards related to ladders.

FAILURE TO ABATE Safety Order 01 Item 003c, INSPECTION NO. 317454197, ISSUED ON July 28, 2014.

Additional Penalty:

\$7,500.00



Jerry Landler
Director, IOSHA

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

Company Name: Milestone Construction Company Inc
Inspection Site: 3500 Hogue Road, Evansville, IN 47712
Issuance Date: 7/28/2014
Opt. Insp. Nr: 02515

Summary of Penalties for Inspection Number: 317454197
Followup Inspection Number: 317862977

Safety Order 1, Serious = \$71,250.00
TOTAL ADDITIONAL PROPOSED PENALTIES
= \$71,250.00

To avoid additional charges, please remit payment promptly to this Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

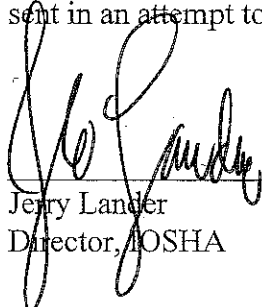
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the

Safety Order and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. ~~Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.~~



Jerry Lander
Director, OSHA

4/8/15

Date