

SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as “Commissioner”) and *Soto Stone Mason LLC* (hereinafter referred to as “Employer”) hereby agree as follows:

A Safety Order and notification of Penalty resulting from IOSHA Inspection No. *318111564* was issued to the Employer on *July 15th, 2019* and is resolved in the following manner.

Violation	Standards Violated	Penalty	Modification to Violation	Reduced
01-001	1900.1200(e)(1)	\$450.00	Reduced Penalty	\$225.00
01-002	1926.20(b)(1)	\$450.00	Reduced Penalty	\$225.00
01-003a	1926.21(b)(2)	\$450.00	Reduced Penalty	\$225.00
01-003b	1926.454(a)	\$0.00	None	\$0.00
01-003c	1926.454(b)	\$0.00	None	\$0.00
01-004	1926.95(a)	\$450.00	Reduced Penalty	\$225.00
01-005	1926.100(a)	\$450.00	Reduced Penalty	\$225.00
01-006	1926.451(a)(1)	\$750.00	Reduced Penalty	\$375.00
01-007	1926.451(a)(6)	\$450.00	Reduced Penalty	\$225.00
01-008	1926.451(b)(1)	\$750.00	Reduced Penalty	\$375.00
01-009	1926.451(b)(4)	\$450.00	Reduced Penalty	\$225.00
01-010	1926.451(c)(1)	\$750.00	Reduced Penalty	\$375.00
01-011	1926.451(e)(1)	\$750.00	Reduced Penalty	\$375.00
01-012	1926.451(f)(3)	\$450.00	Reduced Penalty	\$225.00
01-013	1926.451(f)(4)	\$450.00	Reduced Penalty	\$225.00
01-014	1926.451(f)(7)	\$450.00	Reduced Penalty	\$225.00
01-015	1926.451(f)(16)	\$750.00	Reduced Penalty	\$375.00
01-016	1926.451(g)(1)(vii)	\$1,500.00	Reduced Penalty	\$750.00
01-017	1926.451(g)(4)(i)	\$450.00	Reduced Penalty	\$222.00
01-018	1926.451(h)(2)(ii)	\$600.00	Reduced Penalty	\$300.00
01-019	1926.452(c)(2)	\$450.00	Reduced Penalty	\$225.00
01-020	1926.452(c)(4)	\$600.00	Reduced Penalty	\$300.00
01-021	1926.452(c)(5)(iii)	\$600.00	Reduced Penalty	\$300.00
			Total Reduced Penalty Amount:	\$6,222.00

In exchange, The Employer agrees to the following:

- 1. The employer shall work with INSafe safety consultant in a full-service safety consultation on an active jobsite within thirty (30) days of signed Settlement Agreement.*
- 2. The employer shall work with INSafe to provide training for all employee(s) within thirty (30) days of signed Settle Agreement in the following:*
 - a. Scaffolding*
 - b. Fall Protection*
 - c. Hazard Communication*
 - d. Personal Protective Equipment*
 - e. Common Construction Hazards and Competent Person Requirements*
- 3. The employer shall provide an agenda and the class sign-in sheet to IDOL upon completion of the course.*

The TOTAL AGREED PENALTY is \$6,222.00

Employer 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 *318111564* are retained intact.

The Commissioner agrees to allow the Employer a total of 24 consecutive months to pay the TOTAL AGREED PENALTY. The Employer shall make one payment of at least Two Hundred and Fifty-Nine Dollars and Twenty-Five Cents (\$259.25) each consecutive month until the TOTAL AGREED PENALTY of \$6,222.00 is paid in full. The first payment shall be due with the Employer's execution of this Agreement. Subsequent payments shall be due by the 15th day of each month until said penalty is paid in full. If the Employer fails to make timely payments or fails to pay the full TOTAL AGREED PENALTY as stated herein, the full amount of unpaid penalty that remains shall be immediately due to the Commissioner, the Commissioner may use every legal remedy available to collect such unpaid amount, interest shall begin to accrue on said unpaid amount at the rate of 12% apr compounded daily, and the Commissioner may collect legal fees from the Employer for any collection action that may be necessary.

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

Please make your check or money order payable to "Indiana DOL/IOSHA," indicate IOSHA's Inspection Number (indicated above) on your remittance, and send payments to the following address:

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

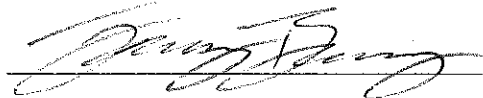
Soto Stone Mason LLC

By: JOSE SOTO

Title: OWNER

Date: 1/15/2020

COMMISSIONER OF LABOR

By: 

Title: Director of Construction Safety

Date: 1/13/2020

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



Safety Order and Notification of Penalty

To:
Soto Stone Mason LLC
and its successors
1132 Plymoth Rock Way
Greenwood, IN 46142

Inspection Number: 318111564
CSHO ID: B5061
Optional Report No.: 04219
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019

Inspection Site:
1632 Olive Branch Pk Ln
Greenwood, IN 46143

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 7/12/2019. 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: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 001

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)

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, the employer had not developed, implemented or maintained such program where employees were exposed to mortar.

Date By Which Violation Must Be Abated: 8/28/2019
Proposed Penalty: \$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 002 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.

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, The employer had not developed, implemented, or enforced an accident prevention safety & 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: **8/28/2019**
Proposed Penalty: **\$450.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

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:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, 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 PPE.

Date By Which Violation Must Be Abated: **8/28/2019**
Proposed Penalty: **\$450.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

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

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, the employer allowed employees engaged in performing work, while on a scaffold, to not have been trained by a qualified person.

Date By Which Violation Must Be Abated: **8/28/2019**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

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

29 CFR 1926.454(b): The employer did not have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question.

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, employees engaged in erecting the scaffolds had not been trained by a competent person.

Date By Which Violation Must Be Abated: **8/28/2019**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 004 Type of Violation: **Serious**

29 CFR 1926.95(a): Personal 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:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed eye protection was not used by 9 employees laying brick veneer.

Date By Which Violation Must Be Abated:	Corrected During Inspection
Proposed Penalty:	\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 005 Type of Violation: **Serious**

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or falling or flying objects, or from electrical shock and burns, were not protected by protective helmets:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the employer allowed employees laying brick veneer above them and did not protect them from overhead hazards such as bricks and trowels.

Date By Which Violation Must Be Abated:	Corrected During Inspection
Proposed Penalty:	\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 006 Type of Violation: **Serious**

29 CFR 1926.451(a)(1): Each scaffold component was not capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the 98 foot long by 5 foot wide masoary walk thru type scaffold, with platforms at 7 foot 5"and 14 foot high levels, had 2 damaged frames and was not capable of supporting, without failure, it's weight and at least 4 times the maximum intended load.

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: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 007 Type of Violation: **Serious**

29 CFR 1926.451(a)(6): Scaffolds were not designed by a qualified person and were not constructed and loaded in accordance with that design:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the employers qualified person did not design, construct and/or load the scaffold, that was 5 feet wide, 98 feet long and 20` 3" high, with working platforms at 7 feet 5 inches and 14 feet above the lower level, whereas the scaffold has 2 damaged/ bent frames.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 008 Type of Violation: **Serious**

29 CFR 1926.451(b)(1): Each platform on all working levels of the scaffold was not fully planked or decked between the front uprights and the guardrail supports:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the 14' high platform, was not fully planked, in that only 48" of the required 60" width was planked.

Date By Which Violation Must Be Abated:	Corrected During Inspection
Proposed Penalty:	\$750.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 009 Type of Violation: **Serious**

29 CFR 1926.451(b)(4): Each end of a platform that was not cleated or otherwise restrained by hooks or equivalent means and did not extend over the centerline support by at least 6 inches:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the 7 feet 5 inch high platform, of the masonry walk thru scaffold overlapped its supports by 2 inches and the platform was not cleated or otherwise restrained.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

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

29 CFR 1926.451(c)(1): Supported scaffolds with a height to base width ratio of more than four to one (4:1) were not restrained from tipping by guying, tying, bracing:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the base to height ratio of the 5 feet wide 20 feet 3 inches high, masonry walk thru scaffold, with platforms at the 7 feet 5 inch and 14 feet height, was 1 : 4.6 and the scaffold was not restrained from tipping by guying, tying, or bracing.

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: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

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

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

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, i observed employees were climbing the end frames and no ladder or other acceptable means of access was provided for employees to reach the 14 feet high scaffold platform of the 20 feet 3 inch tall 5 feet wide and 98 feet long masonry walk-thru scaffold.

Date By Which Violation Must Be Abated:	Corrected During Inspection
Proposed Penalty:	\$750.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
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Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 012 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:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the masonry walk thru scaffold that was 5 feet wide, 98 feet long and 20 feet 3 inches high, with platforms at 7 feet 5 inches and 14 feet above the lower level, and had physical defects of bent scaffold frames and was not inspected by the Competent Person before the workshift.

Date By Which Violation Must Be Abated:	Corrected During Inspection
Proposed Penalty:	\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 013

Type of Violation: **Serious**

29 CFR 1926.451(f)(4): Part of a scaffold damaged or weakened such that its strength is less than 4 times the maximum intended load applied or transmitted to it was not immediately repaired, replaced, braced, or removed from service:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the masonry walk thru scaffold that was 5 feet wide, 98 feet long and 20 feet 3 inches high, with platforms at 7 feet 5 inches and 14 feet above the lower level, had physical defects of damaged/ bent scaffold frames and was not repaired, replaced, braced or removed from service.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 014 Type of Violation: **Serious**

29 CFR 1926.451(f)(7): Scaffolds were not erected, moved, dismantled, or altered, by trained and experienced employees selected for such work by the competent person:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, employees engaged in scaffold activities, were not trained, directed or supervised by a qualified competent person.

Date By Which Violation Must Be Abated:	Corrected During Inspection
Proposed Penalty:	\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 015 Type of Violation: **Serious**

29 CFR 1926.451(f)(16): Scaffold platforms or planks deflected more than 1/60 of their span when loaded:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, the personal bracket platform, 8 foot long, was installed on the outside of the scaffold, and had a deflection of 2 inches, and was not less than 1/60 of the platform span.

Date By Which Violation Must Be Abated:	Corrected During Inspection
Proposed Penalty:	\$750.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 016

Type of Violation: **Serious**

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

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed 9 employees were working on a masonry walk thru scaffold, that was 5 feet wide, 98 feet long and 20 feet 3 inches high, with platform height 14 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

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 017 Type of Violation: **Serious**

29 CFR 1926.451(g)(4)(i): Guardrail systems were not installed along all open ends of platforms 10 feet or more above a lower level before the scaffold was released for use by employees other than erection/dismantling crews.

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, the personal platform, with no identifying markings, that was 98 feet long, 60 inches wide and 14 feet high, did not have all sides guarded.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 018 Type of Violation: **Serious**

29 CFR 1926.451(h)(2)(ii): Where there was a danger of tools, materials or equipment falling from a scaffold and striking employees below, a toeboard was not erected along the edge of platforms more than 10 feet above lower levels:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed toe boards and/or other protection was not provided/used for employees working directly under other employees working on a fabricated frame masons walk thru type scaffold, with platform heights at 14 feet above the lower level.

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

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 019 Type of Violation: **Serious**

29 CFR 1926.452(c)(2): On fabricated frame scaffolds, frames and panels were not braced by cross, horizontal, or diagonal, or combination there of which secure vertical members together laterally:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the erected scaffold, using a masons walk thru type and metal fabricated frames, that was 5 feet wide, 98 feet long and 20 feet 3 inches high, with working platforms at 7 feet 5 inches and 14 feet above the lower level, had missing cross braces, and was not erected plumb and/or square.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 020 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:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed where uplift could occur, the fabricated frame masons walk thru type scaffold, that was 5 feet wide, 98 feet long and 20 feet 3 inches high with a working platforms 7 feet 5 inches and 14 feet above the lower level, was not locked together vertically by pins or other equivalent means.

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

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 318111564
Inspection Date(s): 5/29/2019 - 6/26/2019
Issuance Date: 7/12/2019
CSHO ID: B5061
Optional Report No.: 04219

Safety Order and Notification of Penalty

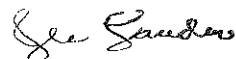
Company Name: Soto Stone Mason LLC
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143

Safety Order 01 Item 021 Type of Violation: **Serious**

29 CFR 1926.452(c)(5)(iii): On Fabricated frame scaffolds, brackets used to support cantilevered loads were not used to support any personnel:

Jobsite – 1632 Olive Branch Pk Ln, Greenwood, IN 46143 - On May 29, 2019, during construction activities, I observed the masonry walk thru scaffold that was 5 feet wide, 98 feet long and 20 feet 3 inches high, had a personal bracket, 14 feet above the lower level, and was used to support a mortar bucket, and not personal only.

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



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

Company Name: Soto Stone Mason LLC
and its successors
Inspection Site: 1632 Olive Branch Pk Ln, Greenwood, IN 46143
Issuance Date: 7/12/2019

Summary of Penalties for Inspection Number: 318111564

Safety Order 1, Serious = \$12,450.00
TOTAL PENALTIES = \$12,450.00

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. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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

Jerry W. Lander
Director of Construction Safety

7-12-19

Date