

N E W S R E L E A S E

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Cal/OSHA Fines Real Estate Company Three Frogs, Inc. over \$91,000 Following Tree-Trimming Fatality

San Diego—Cal/OSHA today issued citations with proposed penalties of \$91,865 to Three Frogs, Inc., a La Mesa-based real estate investment company following the investigation of a fatal tree-trimming accident. Joshua Alan Pudsey, a 42-year-old employee, was killed on November 12, 2013 when he was struck by a large section of a 60-foot-tall eucalyptus tree he was helping to remove from the employer's property.

Pudsey had been working as a general construction laborer at various properties owned by Three Frogs for approximately three months when the accident occurred at a residence on the 4400 block of Date Avenue in La Mesa. Neither he nor any of the other construction laborers employed by Three Frogs had the experience or training needed to safely cut down a tree of that size.

"Workers at construction sites are frequently exposed to serious hazards, and safety training is essential to prevent serious injuries and fatalities. This incident is a vivid reminder of what can go wrong when employers don't have proper safety procedures in place," said Christine Baker, Director of the Department of Industrial Relations (DIR). Cal/OSHA, also known as the Division of Occupational Safety and Health (DOSH), is a division of DIR.

Cal/OSHA's investigation revealed that Three Frogs, Inc., a company that purchases, renovates and resells residential properties, had failed to employ a qualified tree worker which is required by law to direct all work related to tree trimming, tree repair or removal of trees that exceed 15-feet in height. Cal/OSHA determined that the workers were not trained to use the 80-foot aerial lift that elevated the employees to cut the tree, and were also not provided eye protection or a fall protection harness while working in the lift.

"When safety takes a backseat to the bottom line, tragedies such as this one will result," said acting Cal/OSHA Chief Juliann Sum. "Companies that cut corners by not abiding by workplace safety regulations put their employees at direct risk of numerous hazards."

Cal/OSHA issued 13 citations against Three Frogs, Inc. for violations of California's workplace safety regulations, including eight that were serious in nature. Five of the eight serious citations issued are accident-related. A serious workplace safety violation is cited when there is a realistic possibility that death or serious physical harm could

result from the actual hazard created by the violation. Cal/OSHA's Bureau of Investigations (BOI), which investigates fatalities and other serious injuries, has an ongoing criminal investigation as well.

The five general citations issued to Three Frogs, Inc. relate to additional violations of the tree removal standard, including the company's failure to have an Injury and Illness Prevention Plan (IIPP). All California employers are required to have an IIPP as a foundation for establishing a safe workplace. The company also lacked a written Heat Illness Prevention Program, another requirement at outdoor worksites.

The California Labor Commissioner's office, otherwise known as DIR's Division of Labor Standards Enforcement (DLSE), opened another investigation into the company following a referral from another state agency of possible labor violations. Three Frogs was cited on November 13, 2013 and ordered to stop operations after the Labor Commissioner found that the business failed to provide workers' compensation coverage to their employees. The stop order will be removed once Three Frogs demonstrates that a workers' comp policy is in effect and meanwhile the investigation into labor practices is still active.

Cal/OSHA helps protect workers from health and safety hazards on the job in almost every workplace in California. Employers who want to learn more about California workplace health and safety standards or labor law violations can access information on DIR's [website](#).

Cal/OSHA's [Consultation Program](#) provides free and voluntary assistance to employers and employee organizations to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from the Cal/OSHA Consultation Program.

Employees with work-related questions or complaints may call the toll-free California Workers' Information Line at (866) 924-9757 for recorded information, in English and Spanish, on a variety of work-related topics. Complaints can also be filed confidentially with [Cal/OSHA District Offices](#).

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