

N E W S R E L E A S E

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Cal/OSHA Cites Santa Barbara Employer \$72,735 for Violating Stop-Work Order on Scaffold and Unreported Serious Injuries

Santa Barbara—Cal/OSHA issued citations to DP Investments after the employer violated a stop-work order that was placed on scaffolding at a Santa Barbara construction site to prevent employees from being injured. DP Investments was also cited April 6 for failure to report a workplace injury as required by law.

Cal/OSHA's Van Nuys office opened an inspection on October 12 after receiving a complaint about the worksite at 1816 State Street, where the Fiesta Inn and Suites were undergoing renovation. Cal/OSHA's inspector notified the employer, Dario Pini, that the scaffolding on one building put workers in danger of serious injuries as it lacked a ladder for safe access, a guardrail to prevent falls, and base plates to provide a firm foundation on the ground.

The employer was informed that no one would be permitted to use the scaffolding until the hazards were corrected and that the stop order could only be removed by Cal/OSHA. Pini was also advised that removal or defiance of the stop-work order is prohibited by law. A follow-up inspection on October 23 revealed that the stop-work order had been removed from the scaffolding without permission and that employees had resumed working on the structure without any safety modifications.

During the course of the investigation, Cal/OSHA became aware of an unreported injury at the State Street renovation site from late August 2015. A carpenter suffered multiple fractures after falling 11.5 feet onto a cement walkway outside the building when a window grate bolt was removed and the window grating swung open.

"Falls are a leading cause of serious and fatal injuries for employees at construction sites," said Cal/OSHA Chief Juliann Sum. "This incident serves as a reminder to employers that fall protection must be taken seriously in all parts of a construction project involving elevated work."

Cal/OSHA cited DP Investments for 12 workplace safety violations, including one willful serious for removing the stop-work order, with a proposed penalty of \$54,000. Two

serious citations, with penalties of \$5,400 each, were issued because rooftop workers were exposed to falls as high as 18 feet without personal fall protection equipment, and the scaffold was not assembled under the direction of a qualified person. Additional citations penalized DP Investment for its failure to provide employees with safe workplace practice information and lack of training for supervisory employees.

A serious violation is cited when there is a realistic possibility that death or serious harm could result from the actual hazardous condition. A willful violation is cited when the employer is aware of the law and violates it nevertheless, or when the employer is aware of the hazardous condition and takes no reasonable steps to address it.

Cal/OSHA investigators filed the case with the Santa Barbara District Attorney's office, citing the removal of the stop-work order as a criminal offense. In March, the District Attorney's office announced that Dario Pini entered a plea of no contest and was sentenced to 3 years of probation.

Cal/OSHA offers free publications, including a "[Pocket Guide for the Construction Industry](#)," and a fact sheet on [Fall Protection in Construction](#). These publications allow workers, employers and supervisors to quickly reference key safety requirements in clear, concise terms.

Cal/OSHA helps protect workers from health and safety hazards on the job in almost every workplace in California. [Cal/OSHA's Consultation Services Branch](#) 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 Cal/OSHA Consultation Services.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734). The California Workers' Information line at 866-924-9757 provides recorded information in English and Spanish on a variety of work-related topics. Complaints can also be filed confidentially with [Cal/OSHA district offices](#).

Members of the press may contact Erika Monterroza or Peter Melton at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

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