

DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY
AND HEALTH APPEALS BOARD

2520 VENTURE OAKS WAY, SUITE 300
SACRAMENTO, CA 95833
(916) 274-5751
FAX (916) 274-5785



September 16, 2013

Mike Rubell, Consultant
SAFETY COMPLIANCE INSTITUTE
24760 Via Del Llano
Calabasas, CA 91302

Re: CSI ELECTRICAL CONTRACTORS INC
13-R4D7-2799

DOCKETED: 9/13/2013

Dear Mr. Rubell:

Enclosed are the docketed copies of each Appeal form that you filed with the Board. The above listed docket numbers should appear on all future correspondence. A copy of any correspondence with the Appeals Board must be served on the Division of Occupational Safety and Health DOSH and any other party to the proceeding.

You are obligated to notify any affected employees or their representative that an appeal is pending and that they have a right to participate in the proceeding. You are required to post a copy of the docketed Appeal form and a Participation Notice (similar to the sample enclosed) at or near the site of the violation or in a conspicuous place where it will be readily observable by employees. In addition to posting, a copy of the Appeal form and the Participation Notice must be served on the following: 1) any authorized employee representative; and 2) any employee (or their representative) who was seriously injured or killed in an accident related to this appeal. Proof, such as a brief letter, that the forms were posted must be sent to the DOSH District Manager whose address appears on the citation.

Please direct any request for information dealing with the filing of your appeal to the above address and/or telephone number. All other communications prior to the hearing will be handled by the assigned Administrative Law Judge (ALJ) **Kevin Reedy** (916) 274-5751.

Any written motion, such as a request for subpoena, consolidation of cases, or request for party or intervenor status must be made by written motion to the ALJ named above at **2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833**.

Sincerely,


Carri Riedel
Office Technician

cc: Accounting
DOSH District Manager-Bakersfield
DOSH Legal Unit-Oakland
DOSH Legal Unit-Los Angeles
IMIS# 313388613

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

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APPEAL FORM

OSH Appeals Board

313388613

Inspection Number on Citation

CSI Electric Contractors, Inc.

Employer Name on Citation

Employer Legal Name or DBA (Optional)

10623 Fulton Wells Ave.

Address

Santa Fe Springs, CA 90670

2013-R4D7-2799

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 1 Item No(s): 1 Amended

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO:
Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>
The client offered to supply and produce records through their lawyer as soon as reasonably possible

The volume of documents was so large, that it was unreasonable for the division to expect production

The employees are union members & the records are protected by privacy of membership, making compliance impossible. Employer maintains a safe & healthful workplace. All reasonable steps were taken to prevent hazards exposure

4.

(Signature of Employer or Employer's Representative)

{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Mike Rubell

(Type or print name)

Consultant

(Title)

24760 Via Del Llano

(Address) {Address where all communications from the Appeals Board will be sent}

Calabasas

CA

91302

(City)

(State)

(Zip Code)

818-426-3343

osha111@yahoo.com

8/17/2013

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

IMPORTANT INFORMATION

- A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.
- B. You must complete *a separate appeal form for each citation or notification* you wish to appeal and *attach a copy of the complete citation or notification that you are appealing.*
- C. If the citation or notification being appealed includes more than one item **do not use separate appeals forms for each item.** Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, "Citation No. 1, Item Nos. 2, 5, and 8")
- D. **Be sure to sign your appeal form and provide all the information requested in No. 4 above.**
- E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.
- F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer's obligation to notify the Appeals Board of any changes to the employer's and/or representative's contact information.
- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

State of California
Division of Occupational Safety and Health
Bakersfield District Office (0950647; 4029)
7718 Meany Avenue
Bakersfield, CA 93308-5110

Inspection Number: 313388613
Inspection Dates: 03/05/2013 - 09/04/2013
Issuance Date: 09/04/2013
CSHO ID: C5017
Optional Inspection Nbr: 032-13



Citation and Notification of Penalty

AMENDED

Company Name: CSI ELECTRICAL CONTRACTORS INC
Inspection Site: 10400 HELIOS WAY, SANTA MARGARITA, CA 93453

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Citation 1 Item 1 Type of Violation: Regulatory

OSH Appeals Board

T8CCR Section 3204(e)(3)(A). Access to Employee Exposure and Medical Records.

(e) Access to Records.

(3) Division of Occupational Safety and Health Access.

(A) Each employer shall, upon request, and without derogation of any rights under the Constitution of the United States, the Constitution of the State of California or the California Occupational Safety and Health Act of 1973, Labor Code sections 6300 et seq., that the employer chooses to exercise, assure the prompt access of representatives of the Chief of the Division of Occupational Safety and Health (DOSH) to employee exposure and medical records and to analyses using exposure or medical records.

During the time of inspection, the employer did not provide access upon request by representatives of the Division to employee exposure records and to analyses using exposure records maintained by the employer, including hazard assessment and/or monitoring records for dust exposures at the Topaz Solar Farm jobsite.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/07/2013
\$ 500.00

THIS CITATION SUPERCEDES THE CITATION THAT WAS SERVED ON 9/4/13 TO REFLECT THAT THIS CASE IS NOT CLOSED.
ADDITIONAL CITATIONS MAY BE FORTHCOMING.



Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
7718 Meany Ave
Bakersfield, CA 93308
Phone: (661) 661-588-6400 Fax: (661) 588-6428

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OSHA Appeals Board

NOTICE OF PROPOSED PENALTIES

Company Name: CSI ELECTRICAL CONTRACTORS INC
Inspection Site: 10400 HELIOS WAY, SANTA MARGARITA, CA 93453
Mailing Address: 10623 FULTON WELLS AVE, SANTA FE SPRINGS, CA 90670
Issuance Date: 09/04/2013
Reporting ID: 0950647
Index Code: 4029

Summary of Penalties for Inspection Number 313388613

Citation 1, Regulatory	= \$	500.00
TOTAL PROPOSED PENALTIES	= \$	500.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**

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

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SEP 11 2013

State of California
Division of Occupational Safety and Health
Bakersfield District Office CAL/OSHA *4029*
7718 Meany Avenue
Bakersfield, CA 93308-5110
Tel (661) 588-6400 Fax (661) 588-6428

AMENDED

OSH Appeals Board



THIS CITATION SUPERCEDES THE CITATION THAT WAS SERVED ON 9/4/13 TO REFLECT THAT THIS CASE IS NOT CLOSED. ADDITIONAL CITATIONS MAY BE FORTHCOMING.

Citation and Notification of Penalty

To:
CSI ELECTRICAL CONTRACTORS INC
and its successors
10623 FULTON WELLS AVE
SANTA FE SPRINGS, CA 90670

Inspection Number: 313388613
Inspection Date(s): 03/05/2013 09/04/2013
Issuance Date: 09/04/2013
CSHO ID: C5017
Optional Report #: 032-13
Reporting ID: 0950647

Inspection Site:
10400 HELIOS WAY
SANTA MARGARITA, CA 93453

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer. Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.