

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

I-COAT COMPANY, LLC.
12020 Mora Drive, Suite 2
Santa Fe Springs, CA 90670

Employer

DOCKETS 10-R3D6-1169
through 1172

ORDER

Good cause having been shown, the above captioned matter is resolved as set forth in the attached summary table.

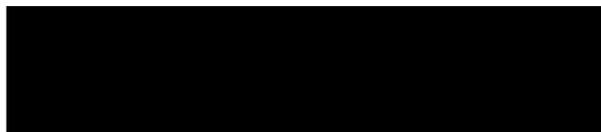
“IT IS STIPULATED by the parties herein that this stipulation and Order, and the terms and conditions set forth herein, are not intended to be and shall not be construed by anyone as an admission of wrongdoing whatsoever by Appellant, except for purposes of administration and enforcement of the California Occupational Safety and Health Act and in proceedings before the Appeals Board, and that the stipulation will not be used in any other proceeding between the parties or involving any other person, whether said proceeding be legal, equitable, or administrative in nature.

The parties further stipulate that Employer has entered into this agreement in order to avoid protracted litigation and the costs associated therewith.

The parties further stipulate that no findings of fact or conclusions of law have been made by any trier of fact regarding the citations and penalties at issue herein.”

IT IS SO ORDERED.

Dated: October 29, 2010



CLARA HILL-WILLIAMS
Administrative Law Judge

CHW:ml

Pursuant to § 364.2(d) of Title 8 of the California Code of Regulations, Employer shall post for 15 working days a copy of this Order.

Pursuant to § 364.2(b) of Title 8 of the California Code of Regulations, the Division shall serve a copy of this disposition on any authorized employee representative if known to the Division to represent affected employees.

**SUMMARY TABLE
ORDER**

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In the Matter of the Appeal of:

I-COAT COMPANY, LLC.

Dockets 10-R3D6-1169 through 1172

Abbreviation Key:	
Reg=Regulatory	
G=General	W=Willful
S=Serious	R=Repeat
Er=Employer	
DOSH=Division	

IMIS No. 312662125

Site: 12120 Mora Drive, Suite 2, Santa Fe Springs, CA 90670

Date of Inspection: 10/08/09-04/05/10

Date of Citation: 04/05/10

DOCKET	CITATION	ITEM	SECTION	TYPE	MODIFICATION OR WITHDRAWAL	AFFIRMED	AVATED	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE-HEARING	FINAL PENALTY ASSESSED BY BOARD
10-R3D6-1169	1	1	342(a)	Reg	[Report serious injury or illness timely] Citation remains as cited	X		\$5,000	\$5,000	\$5,000
		2	5194(f)(4)	G	[label hazardous substance containers] Based on new evidence presented by Employer, increase Good Faith from 0% to 15%	X		\$675	\$560	\$560
		3	143007(b)(3)	G	[record injury or illness on Log 300] Based on new evidence presented by Employer, increase Good Faith from 0% to 15%	X		\$450	\$375	\$375
10-R3D6-1170	2		3203(a)(6)	SW	[IIPP to contain methods and procedures to timely correct unsafe or unhealthy conditions] Based on new evidence presented by Employer, increase Good Faith from 0% to 15%, remove Willful classification and accident-related characterization and reduce Extent from High to Medium, decreasing penalty to \$8,435; per 336(k) reduce to \$840 referencing Citation 3-1	X		\$60,750	\$840	\$840

PAGE 2 OF 2										
10-R3D6-1171	3		3384(a)	SW	[hand protection] Based on new evidence presented by Employer, remove Willful characterization and reduce Extent from High to Medium; no change to Serious accident-related classification and characterization	X		\$70,000	\$22,500	\$22,500
10-R3D6-1172	4		5162(a)	S	[emergency eyewash and shower] Based on new evidence presented by Employer, increase Good Faith from 0% to 15%, decreasing penalty to \$5,060; per 336(k) reduce to \$505 referencing Citation 3-1	X		\$6,075	\$505	\$505
Sub-Total								\$142,950	\$29,780	\$29,780

Total Amount Due*

\$29,780

(INCLUDES APPEALED CITATIONS ONLY)

NOTE: Payment of final penalty amount should be made to:

Accounting Office (OSH)
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142

*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4295 if you have any questions.

ALJ: CHW:ml
POS:

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is Occupational Safety and Health Appeals Board, 100 North Barranca Street, Suite 410, West Covina, California, 91791.

On October 29, 2010, I served the attached **ORDER** by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at West Covina, California, with first-class postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Arthur J. McKeon, III,
GILBERT, KELLY, CROWLEY
& JENNETT, LLP.
1055 West Seventh Street, Suite 2000
Los Angeles, CA 90017

District Manager
DOSH - West Covina
1906 West Garvey Avenue South, #2
West Covina, CA 91790

DOSH - Legal Unit
1515 Clay Street, 19th Floor
Oakland, CA 94612

Raymond Towne, Esq.
Los Angeles Legal Unit
320 West Fourth Street, Suite 400
4th Floor
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 29, 2010, at West Covina, California.


Declarant