

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
San Diego District Office  
7575 Metropolitan Drive, Suite 207  
San Diego, CA 92108  
Phone: (619) 767-2280 Fax: (619) 767-2299

**Inspection #:** 1507030  
**Inspection Dates:** 12/17/2020 – 06/17/2021  
**Issuance Date:** 06/17/2021  
**CSHO ID:** F1671  
**Optional Report #:** 1507030



**Citation and Notification of Penalty**

**Company Name:** Basilico's Pasta e Vino  
and its successors  
**Inspection Site:** 21501 Brookhurst Street  
Huntington Beach, CA 92646

**Citation 1 Item 1** Type of Violation: **Regulatory**

**CALIFORNIA CODE OF REGULATIONS, TITLE 8, 14300.40(a). PROVIDING RECORDS TO GOVERNMENT REPRESENTATIVES.**

(a) Basic requirement. When an authorized government representative asks for the records you keep under the provisions of this article, you must provide within four (4) business hours, access to the original recordkeeping documents requested as well as, if requested, one set of copies free of charge.

Alleged Violation Description:

**Prior to and during the course of the inspection, including but not limited to January 29, 2021, the Employer failed to provide OSHA 300 Logs and OSHA 300A summaries to the Division when requested.**

**Date By Which Violation Must be Abated:** July 22, 2021  
**Proposed Penalty:** \$300.00

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**Citation 1 Item 2** Type of Violation: **General****CALIFORNIA CODE OF REGULATIONS, TITLE 8, 3203(a). INJURY AND ILLNESS PREVENTION PROGRAM.**

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.
- (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.
- (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:
  - (A) When the Program is first established;
  - (B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and
  - (C) Whenever the employer is made aware of a new or previously unrecognized hazard.
- (5) Include a procedure to investigate occupational injury or occupational illness.

- (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
- (A) When observed or discovered; and,
  - (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.
- (7) Provide training and instruction:
- (A) When the program is first established;
  - (B) To all new employees;
  - (C) To all employees given new job assignments for which training has not previously been received;
  - (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
  - (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
  - (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (8) Allow employee access to the Program.
- (A) As used in this subsection:
- 1. The term "access" means the right and opportunity to examine and receive a copy.
  - 2. The term "designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative for the purpose of access to the Program.
  - 3. The term "written authorization" means a request provided to the employer containing the following information:
    - a. The name and signature of the employee authorizing a designated representative to access the Program on the employee's behalf;
    - b. The date of the request;
    - c. The name of the designated representative (individual or organization) authorized to receive the Program on the employee's behalf; and
    - d. The date upon which the written authorization will expire (if less than one (1) year).
- (B) The employer shall provide access to the Program by doing one of the following:
- 1. Provide access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.
    - a. Whenever an employee or designated representative requests a copy of the Program, the employer shall provide the requester a printed copy of the Program, unless the employee or designated representative agrees to receive an electronic copy of the Program.
    - b. One printed copy of the Program shall be provided free of charge. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request and the Program has not been updated with new information since the prior copy was provided, the employer may charge reasonable, non-discriminatory reproduction costs (per Section 3204(e)(1)(E)) for the additional copies. or,
  - 2. Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program. Unobstructed access means that the employee, as part of his or her regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.
- (C) The Program provided to the employee or designated representative need not include any of the records of the steps taken to implement and maintain the written Program.

(D) If an employer has distinctly different and separate operations with distinctly separate and different Programs, the employer may limit access to the Program (or Programs) applicable to the employee requesting it.

(E) The employer shall communicate the right and procedure to access the Program to all employees.

(F) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

Alleged Violation Description:

**Prior to and during the course of the inspection, the employer failed to establish and implement a written Injury and Illness Prevention Program.**

**Date By Which Violation Must be Abated:**

**July 22, 2021**

**Proposed Penalty:**

**\$560.00**

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**Citation and Notification of Penalty**

**Company Name:** Basilico's Pasta e Vino  
and its successors  
**Inspection Site:** 21501 Brookhurst Street  
Huntington Beach, CA 92646

**Citation 2 Item 1** Type of Violation: **Serious**

**CALIFORNIA CODE OF REGULATIONS, TITLE 8, 3205(c). COVID-19 PREVENTION**

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document.

Alleged Violation Description:

**Prior to and during the course of the inspection, the employer failed to establish, implement and maintain a written COVID-19 Prevention Program.**

**Date By Which Violation Must be Abated:** July 01, 2021  
**Proposed Penalty:** \$12600.00

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**Citation and Notification of Penalty**

**Company Name:** Basilico's Pasta e Vino  
and its successors  
**Inspection Site:** 21501 Brookhurst Street  
Huntington Beach, CA 92646

**Citation 3 Item 1** Type of Violation: **Serious****CALIFORNIA CODE OF REGULATIONS, TITLE 8, 3205(c)(5). COVID-19 PREVENTION.**

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:

(A) The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards.

(B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the employer's own leave policies, and leave guaranteed by contract.

(C) The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

(D) Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings.

(E) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.

(F) The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.

(G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment.

(H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

Alleged Violation Description:

**Prior to and during the course of the inspection, including but not limited to December 17, 2020, the employer failed to provide COVID-19 related safety training and instruction as required by subsection (A) through (H) to employees.**

**Date By Which Violation Must be Abated:**

**July 01, 2021**

**Proposed Penalty:**

**\$12600.00**

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**Citation 4 Item 1** Type of Violation: **Willful-Serious****CALIFORNIA CODE OF REGULATIONS, TITLE 8, 3205(c). COVID-19 Prevention.**

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(6) Physical distancing.

(A) All employees shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees.

Alleged Violation Description:

**Prior to and during the course of the inspection, including, but not limited to, on December 17, 2020, January 18, 2021, and April 6, 2021, the employer failed to ensure that employees were separated from other persons by at least six feet throughout the restaurant, including, but not limited to the following locations:**

**Location 1: the indoor dining area,  
Location 2: the outdoor dining area,  
Location 3: the bar, and  
Location 4: the kitchen.**

**Or in the alternative:**

(8) Other engineering controls, administrative controls, and personal protective equipment.

(A) At fixed work locations where it is no possible to maintain the physical distancing requirement at all times, the employer shall install cleanable solid partitions that effectively reduce aerosol transmission between the employee and other persons.

Alleged Violation Description:

**Prior to and during the course of the inspection, including, but not limited to, on December 17, 2020, January 18, 2021, and April 6, 2021, the employer failed to have installed cleanable solid partitions to effectively reduce aerosol transmission between employees and other persons throughout the restaurant, including but not limited to the following locations:**

**Location 1: the indoor dining area,  
Location 2: the outdoor dining area,  
Location 3: the bar, and  
Location 4: the kitchen.**

**Date By Which Violation Must be Abated:  
Proposed Penalty:**

**July 01, 2021  
\$63000.00**

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**Company Name:** Basilico's Pasta e Vino  
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**Citation 5 Item 1** Type of Violation: **Willful-Serious****CALIFORNIA CODE OF REGULATIONS, TITLE 8, 3205(c). COVID-19 Prevention.**

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(7) Face coverings.

(A) Employers shall provide face coverings and ensure they are worn by employees over the nose and mouth when indoors, when outdoors and less than six feet away from another person, and where required by orders from the CDPH or local health department. Employers shall ensure face coverings are clean and undamaged. Face shields are not a replacement for face coverings, although they may be worn together for additional protection. The following are exceptions to the face coverings requirement:

1. When an employee is alone in a room.
2. While eating and drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
3. Employees wearing respiratory protection in accordance with section 5144 or other title 8 safety orders.
4. Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person.
5. Specific tasks which cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed, and the unmasked employee shall be at least six feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19.

NOTE: CDPH has issued guidance for employers that identifies examples when wearing a face covering is likely not feasible.

Alleged Violation Description:

Prior to and during the course of the inspection, including but not limited to December 17, 2020, January 18, 2021 and April 6, 2021 the employer failed to provide face coverings and ensure they were worn by employees when:

1. Employees were indoors at the indoor dining area, bar, and kitchen, and
2. Employees were outdoors at the outdoor dining area and were less than six feet away from another person.

Date By Which Violation Must be Abated:

July 01, 2021

Proposed Penalty:

\$63000.00

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Tim Decker

Christine Hoffman

Compliance Officer / Region III Senior