

**State of California**  
Division of Occupational Safety and Health  
Cal/OSHA San Diego District (0950632; 4032)  
7575 Metropolitan Drive, Suite 207  
San Diego, CA 92108

**Inspection Number:** 312679988  
**Inspection Dates:** 10/19/2009 - 04/15/2010  
**Issuance Date:** 04/15/2010  
**CSHO ID:** P8116  
**Optional Inspection Nbr:** 015-10



Phone: (619) 767-2280 Fax: (619) 767-2299

**Citation and Notification of Penalty**

**Company Name:** CHARGERS FOOTBALL COMPANY LLC  
**Inspection Site:** 9449 FRIARS RD, SAN DIEGO, CA 92108

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

T8 CCR 3203, Injury and Illness Prevention Program

(b) Records of the steps taken to implement and maintain the Program shall include:

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

Site: 9449 Friars Road, San Diego;

The employer failed to provide documentation of training on the company's Injury Illness Prevention Program for two employees that met the documentation requirements discussed in 3203(b)(2) as requested by the Division in document requests dated 10/28/09 and 12/23/09.

Date By Which Violation Must be Abated:

05/18/2010

Proposed Penalty:

\$ 375.00

  
LILIA BOWMAN  
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.

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Division of Occupational Safety and Health  
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San Diego, CA 92108  
Telephone: (619) 767-2280 Fax: (619) 767-2299



## NOTICE OF PROPOSED PENALTIES

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**Company Name:** CHARGERS FOOTBALL COMPANY LLC  
**Inspection Site:** 9449 FRIARS RD, SAN DIEGO, CA 92108  
**Mailing Address:** P O BOX 609609, SAN DIEGO, CA 92123  
**Issuance Date:** 04/15/2010  
**Reporting ID:** 0950632  
**Index Code:** 4032

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Summary of Penalties for Inspection Number 312679988

Citation 1, Regulatory	= \$	375.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>375.00</b>

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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 by credit card (MasterCard and Visa): 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](http://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:

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA**  
**CASHIER, ACCOUNTING OFFICE**  
**P. O. BOX 420603**  
**SAN FRANCISCO, CA 94142-0603**  
**(415) 703-4291 or (415) 703-4295 Fax (415) 703-3030**

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.

**SPECIAL ORDER**

2. Chargers Football Company, LLC  
attn: Jeanne M. Bonk, Executive VP - CFO  
PO Box 609609  
San Diego, CA 92160

3. Page 1 of 1

4. Special Order Number 118

5. An inspection or investigation of a place of employment located at Qualcomm Stadium, 9449 Friars Road  
San Diego, CA was conducted by Brian Knutson

on October 19, 2009. This Special Order is being issued in accordance with California Labor Code (L.C.) Sections 6305 and 6308 for unsafe condition(s) described below that were found during that inspection or investigation.

6a. Item No.	6b. No. of Instances	7. Basis of Special Order L.C. Provision	8. Special Order	9. Abatement date by which this Special Order must be complied with
1	13+	LC 6305, 6308, 6401, 6403	The window openings at the front of viewing boxes located at Qualcomm Stadium, 9449 Friars Road, San Diego, CA, which have openings greater than 30 inches vertically and 18 inches horizontally through which persons can fall to a level 30 inches or more below, constitute a hazard to stadium workers. These viewing boxes include but are not limited to boxes located at the Press Box Level, such as Boxes 35B and 35C.  (a) These openings shall be protected by installation of guardrails or other barriers of such construction and mounting that the guardrail or barrier is at least 42 inches in height and capable of withstanding a force of at least 200 pounds applied horizontally at any point on the near side of the guardrail or barrier.  (b) Barriers may be of solid construction, grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with unrestricted length.	May 19, 2010

10. Signature [Redacted] Safety Engineer  
Signature [Redacted] District Manager  
Signature \_\_\_\_\_ Industrial Hygienist  
Date of issuance 4/15/2010

This Special Order or a copy thereof shall be prominently posted upon receipt by the employer at or near the location of each unsafe condition described above until said condition(s) are corrected or for three working days, whichever is longer.  
The employer has 15 working days after receipt of the above Special Order within which to notify in writing the California Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way Suite 300, Sacramento, CA 95833, of his or her intention to contest any action or provision of this Order. The above Special Order will become a final Order of the Appeals Board not subject to review or appeal unless contested by the employer, employee, or employee representative.  
An employee, or his or her representative, may contest in writing to the California Occupational Safety and Health Appeals Board the reasonableness of the date by which this order must be complied with within 15 working days from the date of issuance of the Special Order.  
If the unsafe condition(s) described above is/are not corrected or any action or provision of this Order is not complied with as directed in this Special Order within the period of time set forth by the Division of Occupational Safety and Health, the Division may issue a citation for violation of the special order and may assess a monetary penalty and/or in some instances, may bring a prosecution for a misdemeanor.

11. 3 2 78116 015-10 312-679988  
region District SE/SH Identification No Optional Report No CAL/OSHA Form 1 Report No.  
CAL/OSHA 3 (03/01/01)



**Investigation Summary**  
 Mon Mar 22, 2010 3:38pm

Reporting ID	Investigation Summary Number	OSHA-36 Number	OSHA-36 Establishment Name
0950632	201074796	101078673	CHARGERS FOOTBALL COMPANY LLC
Event Date	10/19/09	Event Time	02:34 pm
Type of Event	FALL FROM COACHES BOOTH		

Inspection Number/ Establishment Name	312679988 CHARGERS FOOTBALL COMPANY LLC
Injured/Deceased Name	Walter Daniels
Sex:	M. Male
Age:	66
Injury:	A. Fatality
Nature:	21 Other
Part of Body:	19 Multiple
Source of Injury:	43 Other
Event Type:	05 Fall (from elevation)
Environmental Factor:	18 Other
Human Factor:	14 Other
Task:	A Regularly Assigned
Substance Code:	
Occupational Code	459 - ATTENDANTS, AMUSEMENT AND RECREATION FACILITIES

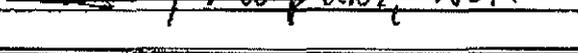
**Abstract:**

**INTRODUCTION**

On October 19, 2009 at 1432 witness #4 from The City of San Diego's Police Dept., reported to the Division an accident to employee #2, a regular game day employee of the Charger's Football Company, who suffered severe trauma/injuries to the head, and body as a result of a fall in excess of 20 feet from a press box/coach's booth at Qualcomm Stadium to stadium seats. At the time of the accident employee #2 was delivering programs to Box 35C on the press box level. Employee #2, who was unconscious, received immediate emergency medical attention from Paramedic's at the stadium and was transported by ambulance to Sharp Memorial Hospital. Employee #2 passed away on 10/20/2009 at 0230. The Division opened an inspection with employee #1 of the Chargers Football Company LLC at 1900 on October 19, 2009. Employee #1 reported the accident to the Division at the time of the opening conference which was within the reporting requirements of 342(a).

**ACCIDENT DESCRIPTION**

The accident occurred in Box 35C at Qualcomm Stadium, 9449 Friars Road, San Diego Ca. Employee #2, the deceased employee, was described by the employer to be a self directed employee who was believed to have started work at approximately 1300. At the time of the accident Employee #2 was delivering football programs to the Box 35C. Witness #3 stated that the employee fell/stumbled on the upper stair area of the box and fell/stumbled down the stairs. While falling/stumbling down the stairs the employee struck a chair in front of a fixed table (barrier) which was in front of an open viewing window (wall opening). The chair acted like a ramp allowing Employee #2's forward momentum to project his body up on to the table and out the window.

CSHO Signature:		Date:	3/22/10
DM Signature:		Date:	3/23/10
RM Signature:		Date:	

STATE OF CALIFORNIA  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

\*W.C. Carrier Great Divide Insurance Co.

NARRATIVE SUMMARY

Establishment Name: <b>Chargers Football Company LLC</b>	Inspection Number: <b>312679988</b>
Management Contacted: <b>Bill Johnston #1</b>	Title: <b>Director of Public Relations</b>

Information on Injured	Worker's Compensation: Yes <input checked="" type="checkbox"/> No
Name, Address and Phone Number	Occupation
<b>Walter Daniels #2</b>	<b>Game Day Employee</b>

Witness Names(s) and Title		* Check box preceding name if confidentiality is given.		
*	Names and Title(s)	Address	Phone No.	Signed Statement? Y/N
	<b>Kenith Dhainin #3 - Engineer - Radio Station KOA</b>	[REDACTED]	[REDACTED]	N
	<b>Brad Elow #4 - Detective - Badge #3354 - City of San Diego Police Dept.</b>	[REDACTED]	[REDACTED]	N

**Summary:**

**INTRODUCTION**

On October 19, 2009 at 1432 witness #4 from The City of San Diego's Police Dept., reported to the Division an accident to Employee #2, a regular game day employee of the Chargers Football Company, who suffered severe trauma/injuries to the head and body as a result of a fall in excess of 20 feet from a press box/coaches booth at Qualcomm Stadium to stadium seats. Employee #2, who was unconscious, received immediate emergency medical attention from Paramedics at the stadium and was transported by ambulance to Sharp Memorial Hospital. Employee #2 passed away on 10/20/2009 at 0230. The Division opened an inspection with #1 of the Chargers Football Company LLC at 1900 on October 19, 2009. #1 reported the accident to the Division at the time of the opening conference which was within the reporting requirements of 342(a).

**ACCIDENT DESCRIPTION**

At the time of the accident Employee #2 was delivering football game programs to Box 35C on the Press Box Level of Qualcomm Stadium located at 9449 Friars Road, San Diego CA. Employee #2 was described to be a self-directed employee who started work at approximately 1300 on 10/19/09. Per Witness #3, who was located in the adjacent booth (the Box to the left of Box 35C when facing the field) at the time of the accident, Employee #2 was descending the

stairs into the press box/coaches booth. Employee #2 bent over and fell. As Employee #2 fell he turned to face the window. While falling/stumbling down the stairs, Employee #2 attempted to catch an upper counter in the press box/coaches booth. Per Witness #3, Employee #2 continued to fall/stumble down the stairs where he struck a chair in front of a fixed counter/table in front of an open viewing window (wall opening). Witness #3 stated that when Employee #2 struck the chair, the chair acted like a ramp, allowing Employee #2's forward movement to continue, momentarily placing Employee #2's body on the top of the fixed table/counter. Witness #3 described Employee #2's body as being momentarily positioned on his hands and knees at approximately a 45 degree angle across the table/counter, with his head positioned to the right side of the table. Witness #3 stated that Employee #2's continued forward motion resulted in his rolling out the window (wall opening). Physical evidence shows that Employee #2 struck a wire cable tray outside the window while falling to the stadium seats below.

The press box/coaches booth is a room with 3 different levels where tables and seating are provided. The following measurements were taken of the room.

- The stairs from the top of the room to the lowest level are positioned at an angle measured to be approximately 31 degrees.
- The stair treads are carpeted with no tears or observable trip hazards found.
- The stair treads measures 30 ½ inches wide by 11 inches deep and have a 6 ½ inch rise.
- In between each level there are two steps.
- Each elevated level has a wider step/landing in line with the stairs. The wider landing stair tread measures 12 inches deep.
- Each elevated location is 19 ½ inches above the previous level.
- There is a metal handrail properly attached to the right side wall.
- There are permanently mounted tables and counters on each level.
- The upper level has a permanently mounted bench.
- The distance from the lowest stair tread to the inside edge of the fixed table is 25 inches.
- The space between the lowest stair tread and the fixed table was occupied by a chair with its rear chair legs in close proximity to the edge of the last stair tread.
- The table/counter mounted in front of the open viewing area is 96 inches wide, 19 inches deep and 27 inches above the floor.
- The wall/barrier in front of the table is 96 inches wide, 6 inches deep and 29 ½ inches tall.
- The open window viewing area is 96 inches wide by 102 inches tall.
- The wire cable tray outside of the open viewing window is approximately 18 inches wide running the length of several press boxes.
- What is believed to be Employee #2's hair and scalp material was observed on the wire tray outside the Box 35C.
- Based on Witness #3's statements, it is estimated that Employee #2 was approximately 68 inches away from the inside edge of the counter/table and 77 inches away from the inside window ledge when Employee #2 began to fall.
- The Game Day Programs that were being delivered to Box 35C by Employee #2 were found on the bench and floor of the upper seating viewing area in the box.

#### CONCLUSION:

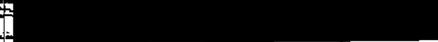
- The injuries and subsequent fatality occurred as the result of multiple events. These include:
  - Employee #2 fell/stumbled on the stairway area for an unknown reason.
  - Employee #2 walked using a cane, and walks with a limp.

- Employee #2's inability to stop his forward momentum during the stumbling/fall event by grabbing a fixed table/counter or a handrail as he fell/stumbled approximately 68 inches down the stairway to the edge of the fixed table/counter in front of the viewing area.
- The chair in front of the table being repositioned by Employee #2's contact creating a ramp type device that allowed for Employee #2's body to be elevated on to the top of the table/counter.
- The table/counter in front of the open viewing area arguably meets the requirements of CCR 3211 as it may be considered a barrier.
- The close proximity (25 inches) of the table to the first stair tread, which was occupied by a chair at the time of the accident, does not allow for the table to create an effective barrier to the wall opening as the result of a person falling/stumbling down the stairs.
- The fixed table in front of the viewing window is a writing and working surface. No representatives of the City of San Diego and or Qualcomm Stadium identified this table as anything other than a table in the investigation.
- The City of San Diego does not have a variance from the Standards Board allowing for the fixed table to be used as protection from falls through the wall opening.
- Title 8 CCR 3202(c) states that building codes in Title 8 are applicable to the building, or building alteration, or building modification after the affective date of the standard. T8 CCR 3211 and 3210 were effective in 1975. It was reported during this investigation that no modifications or alterations to Box 35C have been done since its original construction. Box 35C of Qualcomm Stadium was built in the 1960's, opening in 1967, before the effective dates of either T8 CCR 3211 or 3210.

**REGULATORY ACTION – NON ACCIDENT RELATED VIOLATIONS**

A special Order is being issued to the employer requiring protection of window openings that are greater than 30 inches vertically and 18 inches horizontally by the installation of guardrails or other barriers of such construction and mounting that the guardrail or barrier is at least 42 inches in height and is capable of withstanding a force of at least 200 pounds applied horizontally at any point on the near side of the guardrail or barrier.

One non-accident related citation is being issued as a result of the inspection.

		Signature	Date
	CSE, IH		4/15/10
Reviewed by:	DM		4/15/10
	SR., IH		
	Regional Manager		
	Deputy Chief		
Prepared by:			

Cal/OSHA 170A (08/01/94)

**SPECIAL ORDER**

2. City of San Diego - Stadium Department  
 9449 Friars Road  
 San Diego, CA 92108

3. Page 1 of 1

4. Special Order Number 119

5. An inspection or investigation of a place of employment located at Qualcomm Stadium, 9449 Friars Road, San Diego, CA was conducted by Brian Knutson on October 19, 2009. This Special Order is being issued in accordance with California Labor Code (L.C.) Sections 6305 and 6308 for unsafe condition(s) described below that were found during that inspection or investigation.

6a. Item No.	6b. No. of Instances	7. Basis of Special Order L.C. Provision	8. Special Order	9. Abatement date by which this Special Order must be complied with
1	13+	LC 6305, 6308, 6401, 6403	<p>The window openings at the front of viewing boxes located at Qualcomm Stadium, 9449 Friars Road, San Diego, CA, which have openings greater than 30 inches vertically and 18 inches horizontally through which persons can fall to a level 30 inches or more below, constitute a hazard to stadium workers. These viewing boxes include but are not limited to boxes located at the Press Box Level, such as Boxes 35B and 35C.</p> <p>(a) These openings shall be protected by installation of guardrails or other barriers of such construction and mounting that the guardrail or barrier is at least 42 inches in height and capable of withstanding a force of at least 200 pounds applied horizontally at any point on the near side of the guardrail or barrier.</p> <p>(b) Barriers may be of solid construction, grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with unrestricted length.</p>	May 19, 2010
10. Signature	[Redacted Signature]		Signature	[Redacted Signature]
	Safety Engineer			District Manager
Signature	[Redacted Signature]		Date of issuance	4/15/2010
	Industrial Hygienist			

This Special Order or a copy thereof shall be prominently posted upon receipt by the employer at or near the location of each unsafe condition described above until said condition(s) is/are corrected or for three working days, whichever is longer.

The employer has 15 working days after receipt of the above Special Order within which to notify in writing the California Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way Suite 300, Sacramento, CA 95833, of his or her intention to contest any action or provision of this Order. The above Special Order will become a final Order of the Appeals Board not subject to review or appeal unless contested by the employer, employee, or employee representative.

An employee, or his or her representative, may contest in writing to the California Occupational Safety and Health Appeals Board the reasonableness of the date by which this order must be complied with within 15 working days from the date of issuance of the Special Order.

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11. 3 region      2 District      P8116 SE/SH identification No      023-10 Optional Report No      312681 201 CAL/OSHA FORM 1 Report No.  
CAL/OSHA 3 (08/01/01)