

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631:4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: Fax: (714) 558-2035



Citation and Notification of Penalty

To: SHIMMICK CONSTRUCTION CO., INC / OBAYASHI CORPORATION, A JOINT VENTURE
Inspection Number: 313169724
Inspection Date(s): 03/23/2011 - 09/20/2011

and its successors
8201 EDGEWATER DR STE 202
OAKLAND, CA 94621

Issuance Date: 09/21/2011
CSHO ID: A9562
Optional Report #: 059-11
Reporting ID: 0950631

Inspection Site:
3972 VALLEY VIEW BLVD
YORBA LINDA, CA 92886

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.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

PENALTY PAYMENT OPTIONS

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

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

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail 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.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations is reduced by 50% on the presumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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Optional Inspection Nbr: 059-11



Citation and Notification of Penalty

Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

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

California Code of Regulations, Title 8, 1509. Injury and Illness Prevention Program.

(a) Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program in accordance with section 3203 of the General Industry Safety Orders.

Reference: T8 CCR 3203. 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
- (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.
- (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.

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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(7) Provide training and instruction.

The Employer failed to implement and maintain an effective Injury and Illness Prevention Program, in that they did not follow their written procedures for training new employees, or identifying and evaluating work place hazards.

Date By Which Violation Must be Abated: 10/24/2011
Proposed Penalty: \$ 675.00

Citation 1 Item 2 Type of Violation: General

California Code of Regulations, Title 8, 1527. Washing Facilities, Food Handling, and Temporary Sleeping Quarters.

(a) Washing Facilities.

(1) General. Washing facilities shall be provided as follows: A minimum of one washing station shall be provided for each twenty employees or fraction thereof. Washing stations provided to comply with this requirement shall at all times:

(F) When provided in association with a nonwater carriage toilet facility in accordance with Section 1526(c),

2. Be located outside of the toilet facility and not attached to it.

On March 24, 2011, the Employer provided employees with a nonwater carriage toilet facility with the handwashing facilities located inside.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 225.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

Citation 1 Item 3 Type of Violation: General

California Code of Regulations, Title 8, 1541. General Requirements.

(f) Warning system for mobile equipment. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be away from the excavation.

On March 22, 2011, an employee was operating a backhoe adjacent to the the 4 foot wide trench, measured at a depth of 11 feet deep without utilizing any warning system.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 675.00

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Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

Citation 1 Item 4 Type of Violation: **General**

California Code of Regulations, Title 8, 1620. Design and Construction of Railings.

(c) All railings, including their connections and anchorage, shall be capable of withstanding without failure, a force of at least 200 pounds applied to the top rail within 2 inches of the top edge, in any outward or downward direction, at any point along the top edge.

On March 24, 2011, the Employer failed to ensure that the railing system including their connections and achorage was capable of withstanding a force of at least 200 pounds, in that, foreign made connectors used on the railing system were not found to have any written rating from any source.

Date By Which Violation Must be Abated: **ABATED**
Proposed Penalty: \$ **675.00**

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
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Citation 1 Item 5 Type of Violation: General

California Code of Regulations, Title 8, 6151. Portable Fire Extinguishers.

(c) General Requirements.

(1) The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

On March 24, 2011, the Division identified five portable fire extinguishers at the work site, in which, the Employer failed to mount and identify so that they were readily accessible.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 225.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
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Citation 1 Item 6 Type of Violation: **General**

California Code of Regulations, Title 8, 6151. Portable Fire Extinguishers.

(e) Inspection, Maintenance and Testing.

(3) Portable fire extinguishers shall be subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Chief upon request.

On March 24, 2011, the Employer failed to ensure that a portable fire extinguisher in service had a current maintenance inspection. The last time the portable fire extinguisher had an annual maintenance test completed was February 2009.

Date By Which Violation Must be Abated:
Proposed Penalty:

ABATED
\$ 225.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

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

California Code of Regulations, Title 8, 1541. General Requirements.

(b) Subsurface installations.

(D) Employees who are involved in the excavation operation and exposed to excavation operation hazards shall be trained in the excavator notification and excavation practices required by this section and Government Code Sections 4216 through 4216.9.

(4) While the excavation is open, subsurface installations shall be protected, supported, or removed as necessary to safeguard employees.

On and about March 22, 2011, the Employer failed to ensure that the subsurface installations were protected, supported or removed to safeguard employees near the open excavation. As such, a backhoe operator struck an exposed pressurized 2" natural gas service line. The service line had been detected, marked and exposed for a few days prior to the incident.

Date By Which Violation Must be Abated: **ABATED**
Proposed Penalty: \$ **10125.00**

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Citation and Notification of Penalty

Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

Citation 3 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 1541. General Requirements.

(k) Inspection.

(1) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rain storm or other hazard increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.

Reference: 1504 Definitions

(a) The following definitions shall apply in the application of these Orders.

Competent Person. One who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

On or about March 24, 2011, the Employer failed to ensure that the excavated trench 1331 was inspected by a competent person prior to employees descending into the excavation at depths up to 13 feet below surface grade. At the time of inspection, the Trench Foreman had not received training by the Employer or verified for the Employer they were competent and was not capable of identifying existing and predictable hazards nor were they competent in properly classifying soil or following manufacturer's tabulated data to properly install shoring.

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Date By Which Violation Must be Abated:	ABATED
Proposed Penalty:	\$ 10125.00

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Citation and Notification of Penalty

Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

Citation 4 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 1541. General Requirements.

(l) Fall protection.

(1) Where employees or equipment are required or permitted to cross over excavations over 6-feet in depth and wider than 30 inches, walkways or bridges with standard guardrails shall be provided.

On or about March 23, 2011, the Employer failed to provide guardrails on the walkway/bridge that employees used to cross over trench 1331. The trench was measured to be approximately 48 inches wide and 12 feet deep at the crossing location.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 10125.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation 5 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 1541.1. Requirements for Protective Systems.

(e) Installation and removal of supports.

(2) Additional requirements for support systems for trench excavations.

(A) Excavation of material to a level no greater than 2 feet below the bottom of the members of a support system shall be permitted, but only if the system is designed to resist the forces calculated for the full depth of the trench, and there are no indications while the trench is open of a possible loss of soil from behind or below the bottom of the support system.

On and about March 23, 2011, the Employer failed to ensure the level of excavated material was no greater than 2 feet below the bottom member of the support system. The Division measured areas in the trench where employees worked to be 13' deep and there was approximately 3 - 4 1/2 feet between the bottom member of the aluminum hydraulic shoring and the bottom of the excavation. No other shoring or protective system was provided.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 10125.00

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Citation 6 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 1620. Design and Construction of Railings.

(a) Railings shall be constructed of wood or in an equally substantial manner from other materials, and shall consist of the following:

- (1) A top rail not less than 42 inches or more than 45 inches in height measured from the upper surface of the top rail to the floor, platform, runway or ramp.
- (2) A mid-rail shall be halfway between the top rail and the floor, platform, runway or ramp when there is no wall or parapet wall at least 21 inches (53 cm) high.

On or about March 24, 2011, the Employer failed to ensure that the mid-rail was halfway between the top rail and the ground level at two separate locations. Employees were exposed to a fall of approximately 50 feet where the elevator was being constructed and installed and the second exposure was to a 20 foot fall where employees were applying roofing materials to the new building being constructed.

Date By Which Violation Must be Abated:	ABATED
Proposed Penalty:	\$ 8100.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation 7 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 5185. Changing and Charging Storage Batteries.

(1) Facilities for quick drenching or flushing of the eyes and body shall be provided unless the storage batteries are:

- (1) equipped with explosion resistant or flame arrestor type vents; or
- (2) located in a compartment or other location such as to preclude employee exposure.

On or about March 24, 2011, the Employer failed to ensure that facilities for quick drenching or flushing of the eyes and body were provided to the foreman and employees that recharge the electric forklift at the end of each shift in the new building/facility being constructed. The batteries were not equipped with explosion resistant or flame arrestor type vents nor were they located in a compartment to preclude employee or employer exposure.

Date By Which Violation Must be Abated:	ABATED
Proposed Penalty:	\$ 6075.00

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Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
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Citation 8 Item 1 Type of Violation: **Willful Serious**

California Code of Regulations, Title 8, 1541. General Requirements.

(b) Subsurface installations.

(1) The approximate location of subsurface installations, such as sewer, telephone, fuel, electric, water lines, or any other subsurface installations that reasonably may be expected to be encountered during excavation work, shall be determined by the excavator prior to opening an excavation.

(D) Employees who are involved in the excavation operation and exposed to excavation operation hazards shall be trained in the excavator notification and excavation practices required by this section and Government Code Sections 4216 through 4216.9.

(3) When excavation or boring operations approach the approximate location of subsurface installations, the exact location of the installations shall be determined by safe and acceptable means that will prevent damage to the subsurface installation, as provided by Government Code Section 4216.4.

Reference: 4216 and 4216.4

(a) The excavator shall determine the exact location of subsurface installations in conflict with the excavation by excavating with hand tools within the area of the approximate location of subsurface installations as determined by the field marking provided in accordance with Section 4216.3 before using any power-operated or power-driven excavating or boring equipment within the approximate location of the subsurface installation, except that power-operated or power-driven excavating or boring equipment may be used for the removal of any existing pavement if there are no subsurface installations contained in the pavement. If mutually agreeable with the operator and the excavator, the excavator may utilize power-operated or power-driven excavating or boring equipment within the approximate location of a subsurface installation and to

See pages 1 through 5 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
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 313169724
Inspection Dates: 03/23/2011-09/20/2011
Issuance Date: 09/21/2011
CSHO ID: A9562
Optional Inspection Nbr: 059-11



Citation and Notification of Penalty

Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

any depth..

4216 As used in this article the following definitions apply:

(a) "Approximate location of subsurface installations" means a strip of land not more than 24 inches on either side of the exterior surface of the subsurface installation. "Approximate location" does not mean depth.

On March 22, 2011 and again, on April 25, 2011, the Employer willfully failed to take safe and acceptable means to prevent damage to a subsurface installation by not using hand tools to excavate within the area of its "approximate location." Consequently, a 2" natural gas service line was struck and damaged by a backhoe on both dates listed above in the same trench.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 70000.00

See pages 1 through 5 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
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 313169724
Inspection Dates: 03/23/2011 - 09/20/2011
Issuance Date: 09/21/2011
CSHO ID: A9562
Optional Inspection Nbr: 059-11



Citation and Notification of Penalty

Company Name: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

Citation 9 Item 1 Type of Violation: **Willful Serious**

California Code of Regulations, Title 8, 1541.1. Requirements for Protective Systems.

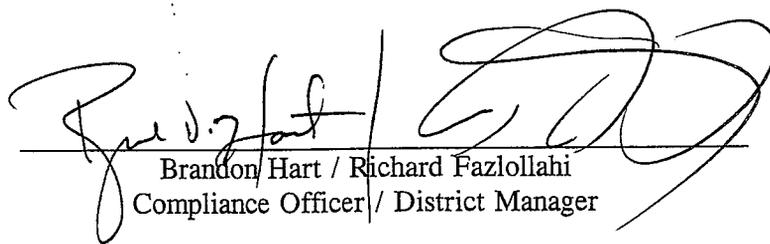
(a) Protection of employees in excavations.

(1) Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with Section 1541.1(b) or (c).

On or about March 24, 2011, the Employer willfully failed to ensure that the excavation at trench 1331 was adequately protected against cave-ins in accordance with Section 1541.1(b) or (c). Employees were instructed by the foreman to descend into the excavation that was approximately 13 feet in depth while in violation of this standard.

Date By Which Violation Must be Abated:
Proposed Penalty:

ABATED
\$ 70000.00



Brandon Hart / Richard Fazlollahi
Compliance Officer / District Manager

See pages 1 through 5 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
Cal/OSHA Santa Ana District
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035

NOTICE OF PROPOSED PENALTIES

Company Name: SHIMMICK CONSTRUCTION CO., INC / OBAYASHI CORPORATION A JOINT VENTURE
Inspection Site: 3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886
Mailing Address: 8201 EDGEWATER DR STE 202, OAKLAND, CA 94621
Issuance Date: 09/21/2011
Reporting ID: 0950631
Index Code: 4031

Summary of Penalties for Inspection Number 313169724

Citation 1, General	= \$	2700.00
Citation 2, Serious	= \$	10125.00
Citation 3, Serious	= \$	10125.00
Citation 4, Serious	= \$	10125.00
Citation 5, Serious	= \$	10125.00
Citation 6, Serious	= \$	8100.00
Citation 7, Serious	= \$	6075.00
Citation 8, Willful	= \$	70000.00
Citation 9, Willful	= \$	70000.00
TOTAL PROPOSED PENALTIES	= \$	197375.00

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 you 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.

**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 or Fax (415) 703-3037

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.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
Cashier, Accounting Office
P.O. Box 420603
San Francisco, CA 94142-0603
Phone (415) 703-4291 or (415) 703-4295 Fax (415) 703-3037

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION	INSPECTION NUMBER <u>313169724</u>	REPORTING ID <u>0950631</u>	INDEX CODE <u>4031</u>
ESTABLISHMENT NAME	<u>SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV</u>		
CONTACT PERSON	_____		
PHONE NO.	_____	FAX NO.	_____
SITE ADDRESS	<u>3972 VALLEY VIEW BLVD. YORBA LINDA</u>		
MAILING ADDRESS	<u>8201 EDGEWATER DR STE 202, OAKLAND, CA. 94621</u>		

CITATION INFORMATION (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.)

Payment is for the following Citation Items: (i.g. Citation 1, Items 1-5; Citation 3)

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION	
CHECK ENCLOSED IN THE AMOUNT OF	\$ _____
MONEY ORDER ENCLOSED IN THE AMOUNT OF	\$ _____
<small>(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)</small>	

Go to www.dir.ca.gov/dosh to access the on-line third party secure payment processing site or complete this section and fax to (415) 703-3037
CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

CREDIT CARD NO. _____ EXPIRATION DATE _____

CREDIT TYPE _____ SECURITY CODE (last 3 digits on back of card) _____ (4 digits on front of Amex card)

NAME OF CARDHOLDER _____ SIGNATURE _____

EMAIL ADDRESS _____

CARDHOLDER PHONE NO. _____ FAX NO. _____

AMOUNT OF PAYMENT \$ _____

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____ DATE PROCESSED _____

PROCESSED BY _____

Please call (415) 703-4291 or (415) 703-4295 or complete the information above and fax to (415) 703-3037
ELECTRONIC FUNDS TRANSFER EFT OPTION-NO CONVENIENCE FEE APPLIES: GO TO www.dir.ca.gov/dosh

Cal/OSHA-2 PRF 6/10

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
ADDRESS: 8201 EDGEWATER DR STE 202
OAKLAND, CA 94621

The law requires that violations observed during the inspection/investigation completed on 09/20/2011 of the place of employment located at 3972 VALLEY VIEW BLVD, YORBA LINDA, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. **Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).**

NOTE: This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.

PLEASE COMPLETE AND MAIL BY 10/24/2011.

LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.

Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g). Yes NO

This certifies that all unsafe conditions listed in the Division's citation dated 09/21/2011 have now been corrected and all submitted abatement information is accurate.

Signature: _____ Date: _____

Name: _____ Title: _____

OFFICE USE ONLY	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
<input type="checkbox"/> Close/Comments	

Region 3 District 1 Inspection No. 313169724 Identification No. A9562 Cal/OSHA Rpt. No. & Fiscal Year 059-11

Department of Industrial Relations
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
 2000 East McFadden Avenue, Suite 122
 Santa Ana, CA 92705
 Tel (714) 558-4451 Fax (714) 558-2035



NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

SHIMMICK CONSTRUCTION CO INC/OBAYASHI CORP JV
 8201 EDGEWATER DR STE 202
 OAKLAND, CA 94621

Page 1 of 1

During the course of an inspection or re-inspection at a place of employment located at:

3972 VALLEY VIEW BLVD, YORBA LINDA, CA 92886

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Order(s) or Order(s) to Take Special Action:

Citation or Order No.	Number of Instances	Date Division Verified Abatement
2	4	3/24/2011
3	2	5/5/2011
4	1	3/24/2011
5	1	3/28/2011
6	2	3/25/2011
7	1	3/28/2011
8	2	3/24/2011
9	1	3/28/2011

Signature:

Safety Engineer/Industrial Hygienist

Date of Issuance:

09/21/2011

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

3	1	A9562	059-11	313169724
Region	District	SE/IH I.D. No.	Optional Rpt. No.	Cal/OSHA Form 1 Rpt No.

