

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**DELTA WINDOW CLEANING COMPANY,
INCORPORATED**

2062 Walsh Avenue, Suite A
Santa Clara, CA 95050

Employer

**DOCKET(s) 10-R2D2-3889
through 3891**

ORDER

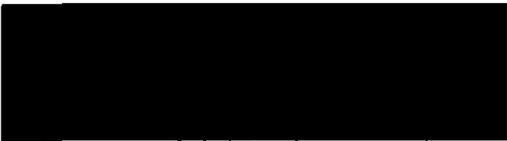
Good cause having been shown, the matter is resolved as set forth in the attached summary table.

The Employer may pay the total penalty amount of \$12,600 in twelve equal payments of \$1,050 per month, the first payment to be made no later than February 1, 2012, and each later payment to be made no later than the first day of the month. Any late payment will cause the entire remaining amount to be due and payable immediately. Nothing herein precludes the employer, Delta Window Cleaning Incorporated, from negotiating a different payment schedule with the Department of Industrial Relations.

IT IS SO ORDERED.

DATED: December 16, 2011

MJF:kav


MARTIN J. FASSLER
Administrative Law Judge

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

In the Matter of the Appeal of:

DELTA WINDOW CLEANING INCORPORATED
DOCKET 10-R2D2-3889 through 3891

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

IMIS 314323643

Site: 25 Orinda Way, Orinda, CA 94563

Date of Inspection: 6/5/10-12/1/10

Date of Citation: 12/3/10

DOCKET	C	I	SECTION	T	ALLEGED VIOLATION DESCRIPTION MODIFICATION OR WITHDRAWAL AND REASON	A	V	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE- HEARING	FINAL PENALTY ASSESSED BY BOARD
	I	T		Y		F	A			
	T	E		P		F	C			
	A	M		E		I	T			
	T					R	E			
	I					M	E			
	O					E	D			
	N					D				
10-R2D2-3889	1	1	2947	Reg	Failure to post proper sign on equipment re: operation near 50,000 volt lines. DOSH withdraws citation, insufficient evidence		X	\$225	\$0	\$0
	1	2	3203(a)(4)	G	Failure to implement Illness and Injury Prevention Program (IIPP) that identified unsafe conditions. DOSH withdraws citation, duplicates Citation 2, Item 1.		X	\$675	\$0	\$0
10-R2D2-3890	2	1	2946(b)(2)	S	Failure to ensure minimum clearances from energized overhead lines.	X		\$12,600	\$12,600	\$12,600
10-R2D2-3891	3	1	3648(o)	S	Lanyard of fall protection harness not secured to basket of the lift. DOSH withdraws citation, insufficient evidence.		X	\$4,050	\$0	\$0
TOTALS ON PAGE 2										
PAGE 1 OF 2										

				SUMMARY TABLE PAGE 2 OF 2 10-R2D2-3889 - 3891				
				Sub-Total		\$17,550	\$12,600	\$12,600
				Total Amount Due*				\$12,600

<p>NOTE: Payment of final penalty amount should be made to:</p> <p style="padding-left: 40px;">Accounting Office (OSH) Department of Industrial Relations P.O. Box 420603 San Francisco, CA 94142</p>	<p style="text-align: center;">(INCLUDES APPEALED CITATIONS ONLY)</p> <p>*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4291 if you have any questions.</p> <p>The employer may pay the total amount due, \$12,600 in 12 equal payment of \$1,050, the first payment being due no later than February 1, 2012, and each later payment being due on the first day of each succeeding month. Nothing herein shall preclude the employer reaching agreement with the Department of Industrial Relations on a different payment scheduled.</p>
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ALJ: MJF/kav
 POS: 12/16/11

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 2520 Venture Oaks Way, Suite 300, Sacramento, California 95833.

On December 16, 2011, 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 Sacramento, 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:

Ricardo Elizondo, President
DELTA WINDOW CLEANING CO., INC.
2062 Walsh Avenue, Suite A
Santa Clara, CA 95050

DOSH DISTRICT OFFICE
1450 Enea Circle, Suite 525
Concord, CA 94520

DOSH LEGAL UNIT
ATTN: Amy Martin, Acting Chief Counsel
1515 Clay Street, Suite 1901
Oakland, CA 94612

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

Executed on December 16, 2011, at Sacramento, California 95833.



Declarant