

## **EXECUTIVE SUMMARY**

### **OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**

Summary of A & C Landscaping, Inc aka A & C Construction, Inc. – Decision  
After Reconsideration

Employer was cited for two willful trenching violations, alleging non-compliance with sections 1541(k)(2) and 1541.1(a). The Board held, consistent with its precedents, that when more than one violation is alleged but they relate to the same hazard (here, an unprotected trench), only one penalty may be assessed. The Board lowered the penalty imposed by the ALJ accordingly.

**A & C Landscaping, Inc. aka**

**A & C Construction, Inc., 04-4795**

**June 24, 2010**

**1541(k)(2)**

**1541.1(a)**