

DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY  
AND HEALTH APPEALS BOARD2520 VENTURE OAKS WAY, SUITE 300  
SACRAMENTO, CA 95833  
(916) 274-5751  
FAX (916) 274-5785

October 1, 2013

Terrell Cypert, Safety Manager  
PAPICH CONSTRUCTION COMPANY, INC.  
800 Farroll Road  
Grover Beach, CA 93433Re: PAPICH CONSTRUCTION COMPANY INC  
13-R4D7-2891

DOCKETED: 9/30/2013

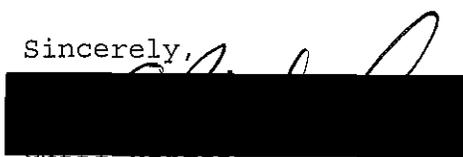
Dear Mr. Cypert:

Enclosed are the docketed copies of each Appeal form that you filed with the Board. The above listed docket numbers should appear on all future correspondence. A copy of any correspondence with the Appeals Board must be served on the Division of Occupational Safety and Health DOSH and any other party to the proceeding.

You are obligated to notify any affected employees or their representative that an appeal is pending and that they have a right to participate in the proceeding. You are required to post a copy of the docketed Appeal form and a Participation Notice (similar to the sample enclosed) at or near the site of the violation or in a conspicuous place where it will be readily observable by employees. In addition to posting, a copy of the Appeal form and the Participation Notice must be served on the following: 1) any authorized employee representative; and 2) any employee (or their representative) who was seriously injured or killed in an accident related to this appeal. Proof, such as a brief letter, that the forms were posted must be sent to the DOSH District Manager whose address appears on the citation.

Please direct any request for information dealing with the **filing** of your appeal to the above address and/or telephone number. All other communications prior to the hearing will be handled by the assigned Administrative Law Judge (ALJ) **Clara L. Hill-Williams** (626) 332-1145.

Any written motion, such as a request for subpoena, consolidation of cases, or request for party or intervenor status must be made by written motion to the ALJ named above at **2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833**.

Sincerely,  


Office Technician

cc: Accounting  
DOSH District Manager-Bakersfield  
DOSH Legal Unit-Oakland  
DOSH Legal Unit-Los Angeles  
IMIS# 313388589

9/17/13

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
(916) 274-5751  
FAX (916) 274-5785

RECEIVED  
SEP 19 2013

APPEAL FORM OSH Appeals Board

2013-R4D7 - 2891

313388589

Inspection Number on Citation

PAPICH CONSTRUCTION COMPANY INC

Employer Name on Citation

Employer Legal Name or DBA (Optional)

800 FARROLL AVE

Address

GROVER BEACH, CA 93433

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE  
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 1 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO: Item No(s):

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes  Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSHAB/oshab.html>

Papich Construction Company Inc. reserves the right to submit additional documentation and information

in support of its appeal.

4.



(Signature of Employer or Employer's Representative)  
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

**TERRELL A. CYPERT**

(Type or print name)

**SAFETY MANAGER**

(Title)

**800 FARROLL RD.**

(Address) {Address where all communications from the Appeals Board will be sent}

**GROVER BEACH**

**CA.**

**93433**

(City)

(State)

(Zip Code)

**805-473-3016**

**terrell@papichconstruction.com**

**09/17/2013**

(Telephone)

(E-Mail Address)

(Date)

{All correspondence from the Appeals Board will be sent to the representative above at the address above. If there is any change in address, telephone number, and/or e-mail address after you file your appeal, you must notify the Appeals Board of the change(s). All such notifications must be in writing}

### IMPORTANT INFORMATION

- A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.
- B. You must complete *a separate appeal form for each citation or notification* you wish to appeal and *attach a copy of the complete citation or notification that you are appealing.*
- C. If the citation or notification being appealed includes more than one item **do not use separate appeals forms for each item.** Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, "Citation No. 1, Item Nos. 2, 5, and 8)
- D. **Be sure to sign your appeal form and provide all the information requested in No. 4 above.**
- E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.
- F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer's obligation to notify the Appeals Board of any changes to the employer's and/or representative's contact information.
- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

**State of California**

Division of Occupational Safety and Health  
Bakersfield District Office (0950647; 4029)  
7718 Meany Avenue  
Bakersfield, CA 93308-5110

Inspection Number: 313388589  
Inspection Dates: 03/05/2013-09/04/2013  
Issuance Date: 09/04/2013  
CSHO ID: C5017  
Optional Inspection Nbr: 030-13



**RECEIVED**

**SEP 19 2013**

Citation and Notification of Penalty

Company Name: PAPICH CONSTRUCTION COMPANY INC  
Inspection Site: 10400 HELIOS WAY, SANTA MARGARITA, CA 93453

**OSH Appeals Board**

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

**T8CCR Section 3395(f)(3). Heat Illness Prevention.**

(f) Training.

(3) The employer's procedures for complying with each requirement of this standard required by subsections (f)(1)(B), (G), (H), and (I) shall be in writing and shall be made available to employees and to representatives of the Division upon request.

Reference: T8CCR Section 3395(f)(1)(B), (G), (H), and (I):  
(f) Training.

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

(B) The employer's procedures for complying with the requirements of this standard.

(G) The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

**During and/or prior to the time of inspection, the employer's written heat illness prevention procedures for employees conducting outdoor work activities did not include procedures for the following:**

See pages 1 through 4 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  
Bakersfield District Office (0950647; 4029)  
7718 Meany Avenue  
Bakersfield, CA 93308-5110

Inspection Number: 313388589  
Inspection Dates: 03/05/2013 - 09/04/2013  
Issuance Date: 09/04/2013  
CSHO ID: C5017  
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Citation and Notification of Penalty

Company Name: PAPICH CONSTRUCTION COMPANY INC  
Inspection Site: 10400 HELIOS WAY, SANTA MARGARITA, CA 93453

OSH Appeals Board

- a. The employer's procedures for complying with the requirements of this standard. (Ref: T8CCR Section 3395(f)(1)(B))
- b. The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary. (Ref: T8CCR Section 3395(f)(1)(G))
- c. The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider. (Ref: T8CCR Section 3395(f)(1)(H))
- d. The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate. (Ref: T8CCR Section 3395(f)(1)(I))

Date By Which Violation Must be Abated: 10/07/2013  
Proposed Penalty: \$ 185.00



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.

State of California  
Division of Occupational Safety and Health  
7718 Meany Ave  
Bakersfield, CA 93308  
Phone: (661) 661-588-6400 Fax: (661) 588-6428

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** PAPICH CONSTRUCTION COMPANY INC  
**Inspection Site:** 10400 HELIOS WAY, SANTA MARGARITA, CA 93453  
**Mailing Address:** 800 FARROLL AVE, GROVER BEACH, CA 93433  
**Issuance Date:** 09/04/2013  
**Reporting ID:** 0950647  
**Index Code:** 4029

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### Summary of Penalties for Inspection Number 313388589

Citation 1, General	= \$	185.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>185.00</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 electronically: 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:

**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.

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DEPARTMENT OF INDUSTRIAL RELATIONS  
OCCUPATIONAL SAFETY  
AND HEALTH APPEALS BOARD  
2520 VENTURE OAKS WAY, SUITE 300  
SACRAMENTO, CA 95833  
(916) 274-5751  
FAX (916) 274-5785



September 18, 2013

Terrell Cypert, Safety Manager  
PAPICH CONSTRUCTION COMPANY INC  
P.O. Box 2210  
Pismo Beach, CA 93448

RE: IMIS# 313388589

Dear Mr. Cypert:

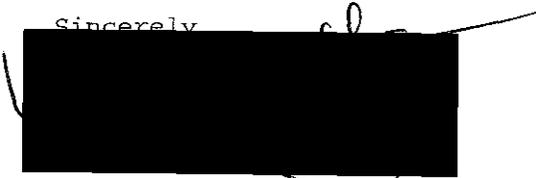
The Occupational Safety and Health Appeal Board received your telephone call on September 17, 2013, indicating your intention to appeal the citation(s), notification(s), or order(s) issued by the Division of Occupational Safety and Health.

A completed Appeal Form must be filed for each citation, notification, or order that you are appealing. Please indicate on the Appeal Form what action by the Division is being appealed and the grounds upon which the appeal is based. Attach a copy of the citation(s) you are appealing to your completed Appeal form(s). You should keep copies for your records.

If you do not postmark, mail, or deliver the completed Appeal form(s) and the appealed citation(s) to the Appeals Board at 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833 by September 27, 2013, your appeal may be dismissed.

If your appeal meets all the legal requirements, it will be docketed upon receipt of your Appeal form(s) and citation(s). Docketed copies of each timely appeal will be sent to you.

Sincerely,

  
Office Assistant

cc: DOSH District Manager - Bakersfield  
4-7-C5017-030-2013