



*Refining Company*, 354 F. App'x 292 (10th Cir. 2009). Venue is proper because the violations occurred in Kansas. *See* 29 U.S.C. § 660(b). A proposed decree is attached to this petition.

### STATUTORY BACKGROUND

The OSH Act is designed to protect the occupational safety and health of employees working in industries affecting interstate commerce. *Atlas Roofing v. OSHRC*, 430 U.S. 442, 445 (1977). To enforce the OSH Act, OSHA inspects workplaces and issues citations to employers who violate the Act or occupational safety and health standards promulgated by OSHA.<sup>1</sup> 29 U.S.C. §§ 654(a), 657(a), 658, 659(a). Each citation must specify a time by which the violation is to be abated, and may propose a civil penalty. *Id.* §§ 658, 659(a), 666. The Act establishes four categories of violations—serious, other-than-serious, repeat, and willful—with heightened penalties for repeat and willful violations. *Id.* § 666(a)–(c), (e).

Employers may contest a citation before the Commission, an independent adjudicatory agency, which resolves the dispute and issues a final order affirming, modifying, or vacating the citation and any proposed penalty, or directing other

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<sup>1</sup> The Secretary has delegated most of her responsibilities under the OSH Act to the Assistant Secretary for Occupational Safety and Health, who heads OSHA. Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Occupational Safety and Health, 85 Fed. Reg. 58393 (Sept. 18, 2020). This petition uses the terms “Secretary” and “OSHA” interchangeably.

appropriate relief. 29 U.S.C. §§ 659(c), 661. An aggrieved employer may seek judicial review of a Commission final order by filing a petition for review in federal court of appeals having jurisdiction over the matter within sixty days of the order's issuance. *Id.* § 660(a). However, if an employer does not contest a citation within fifteen working days of receiving it, the citation becomes “a final order of the Commission and not subject to review by any court or agency.” *Id.* § 659(a), (b).

Section 11(b) of the OSH Act authorizes summary enforcement of Commission final orders by United States courts of appeals, including uncontested citations that become final orders by operation of law:

If no petition for review, as provided in subsection (a) of this section, is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, *as well as in the case of a noncontested citation* or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 659 of this title, *the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order . . . .*

29 U.S.C. § 660(b) (emphasis added); *see Chao v. Russell P. Le Frois Builder, Inc.*, 291 F.3d 219, 223 (2d Cir. 2002) (judicial “review” of Commission orders deemed final because of employer failure to contest, unless the court orders otherwise, “consists of no more than the entry of a ‘decree enforcing the order’”); *Brock v. Morysville Body Works, Inc.*, 829 F.2d 383, 386 (3d Cir. 1987) (citation that

becomes final through a failure to contest is “uncontestable and is to be entered as ‘an automatic court enforcement order’ of the Court of Appeals” (citation omitted)).

### **PROCEEDINGS BELOW**

Contreras Villa is an individual who works as a residential framer in the Wichita, Kansas metropolitan area. He has operated as several business entities, including Jackson Construction and DGO Construction. In the last three years, the Wichita OSHA Area Office has issued citations<sup>2</sup> in ten inspections of Contreras Villa at different worksites. There are seven citations, containing a total of 18 citation items, at issue in this petition.<sup>3</sup> *See* Exs. A–D, H, L–M. The citations identify three willful violations, thirteen repeat violations, and two serious violations.

The citations became final orders of the Commission in two ways: For citations resulting from inspection numbers 1518134, 1517561, 1518763, and

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<sup>2</sup> The term citation refers here to a Citation and Notification of Penalty, the notice OSHA provides to employers identifying safety or health violations discovered by OSHA during an inspection. A Citation and Notification of Penalty may include separately numbered “citations” and citation “items” related to a single workplace inspection, each of which alleges various violations of OSHA standards or the OSH Act.

<sup>3</sup> The citations resulting from three of the ten inspections were resolved through settlement agreements with which Contreras Villa substantially complied. Accordingly, they are not at issue in this petition.

1520571, the parties entered into a settlement agreement revising the citations and providing that Contreras Villa would withdraw his notice of contest (which he did). Ex. E at ¶ 7 (settlement agreement). As set forth in the settlement agreement, the citations became a final order of the Commission on August 8, 2022.<sup>4</sup> *See* Ex. E; Ex. F (Order Terminating Proceedings); Ex. G (Notice of Docketing). The citations issued under inspection number 1574721 were also resolved through a settlement agreement and subsequently became a final order of the Commission on June 1, 2023, in the same manner.<sup>5</sup> *See* Ex. I (settlement agreement); Ex. J (Order Terminating Proceedings); Ex. K (Notice of Docketing). Contreras Villa did not contest the citations resulting from inspection numbers 1664494 and 1675902, which became final orders of the Commission by operation of law on July 27,

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<sup>4</sup> After the parties reached a settlement, they submitted a joint notification of settlement to the Commission administrative law judge (ALJ) overseeing proceedings. On June 8, 2022, the ALJ issued an Order Terminating Proceedings. Ex. F. As stated in paragraph 7 of the settlement agreement, the parties deemed the citations a final order on August 8, 2022, the same day the Order Terminating Proceedings became final. Ex. E at ¶ 7; Ex. G (Notice of Docketing); *see also* 29 U.S.C. § 661(j).

<sup>5</sup> After the parties reached a settlement, they submitted a joint notification of settlement to the Commission administrative law judge (ALJ) overseeing proceedings. On April 18, 2023, the ALJ issued an Order Terminating Proceedings. Ex. J. As stated in paragraph 8 of the settlement agreement, the parties deemed the citations a final order on August 8, 2022, the same day the Order Terminating Proceedings became final. Ex. I at ¶ 8; Ex. K (Notice of Docketing); *see also* 29 U.S.C. § 661(j).

2023. *See* Exs. L, M; 29 U.S.C. §§ 659(a), 660(b). In total, the outstanding penalties are \$203,372.74.

**A. The Parties Entered into a Settlement Agreement to Resolve the Citations Issued Under Inspection Nos. 1518134, 1517561, 1518763, 1520571, Which Became a Final Order of the Commission on August 8, 2022.**

On March 3, 2021, OSHA initiated safety inspection numbers 1518134 and 1517561 of Contreras Villa at a worksite in Wichita, Kansas. *See* Exs. A, B. On March 10, 2021, OSHA initiated safety inspection numbers 1518763 and 1520571 at a different Contreras Villa worksite in Wichita, Kansas. *See* Exs. C, D. As a result of these inspections, OSHA issued four citations:

- On May 19, 2021, as a result of inspection number 1518134, OSHA issued a citation alleging three repeat violations of OSHA's hazard communication standard and proposing penalties totaling \$11,586.00. Ex. A. In item one, OSHA alleged a repeat violation of 29 C.F.R. § 1910.1200(e)(1) for failure to develop, implement, and/or maintain a written hazard communication program. *Id.* at p. 009. In item two, OSHA alleged a repeat violation of 29 C.F.R. § 1910.1200(g)(1) for failure to have a safety data sheet for each hazardous chemical in use. *Id.* at p. 010. In item three, OSHA alleged a repeat violation of 29 C.F.R. § 1200(h)(1) for failure to provide effective information and training on hazardous chemicals in the work area. *Id.* at p. 011.

- On May 19, 2021, as a result of inspection number 1517561, OSHA issued a citation alleging two repeat violations of OSHA standards and proposing penalties totaling \$16,384.00. Ex. B. In item one, OSHA alleged a repeat violation of its residential construction fall protection standard, 29 C.F.R. § 1926.501(b)(13), for failure to ensure that employees engaged in residential construction activities six feet or more above lower levels utilized fall protection. *Id.* at p. 023. In item two, OSHA alleged a repeat violation of the ladder standard, 29 C.F.R. § 1926.1053(b)(1), for failure to ensure that portable ladders used to access an upper landing surface extended at least three feet above the upper landing surface. *Id.* at p. 024.
- On May 19, 2021, as a result of inspection number 1518763, OSHA issued two citations alleging a total of two serious and two repeat violations of OSHA standards and proposing penalties totaling \$26,389.00. Ex. C. In item one of citation one, OSHA alleged a serious violation of the personal protective equipment standard, 29 C.F.R. § 1926.102(a)(1), for failure to ensure employees used eye protection. *Id.* at p. 036. In item two of citation one, OSHA alleged a serious violation of the ladder standard, 29 C.F.R. § 1926.1053(b)(1), for failure to ensure that portable ladders used to access an upper landing surface extended at

- least three feet above the upper landing surface. *Id.* at p. 037. In item one of citation two, OSHA alleged a repeat violation of the powered industrial truck standard, 29 C.F.R. § 1910.178(m)(5)(ii), for leaving a powered industrial truck unattended when the operator is 25 feet or more away from the vehicle. *Id.* at p. 038. In item two of citation two, OSHA alleged a repeat violation of its residential construction fall protection standard, 29 C.F.R. § 1926.501(b)(13), for failure to ensure that employees engaged in residential construction activities six feet or more above lower levels utilized fall protection. *Id.* at p. 039.
- On May 19, 2021, as a result of inspection number 1520571, OSHA issued a citation alleging three repeat violations of OSHA's hazard communication standard and proposing penalties totaling \$10,533.00. Ex. D. In item one, OSHA alleged a repeat violation of 29 C.F.R. § 1910.1200(e)(1) for failure to develop, implement, and/or maintain a written hazard communication program. *Id.* at p. 051. In item two, OSHA alleged a repeat violation of 29 C.F.R. § 1910.1200(g)(1) for failure to have a safety data sheet for each hazardous chemical in use. *Id.* at p. 052. In item three, OSHA alleged a repeat violation of 29 C.F.R. § 1910.1200(h)(1) for failure to provide effective information and training on hazardous chemicals in the work area. *Id.* at p. 053.

Contreras Villa, through counsel, timely contested the citations, and the Secretary thereafter filed a complaint, notifying the Commission of the employer's notice of contest. The matter was resolved when the parties entered into a formal settlement agreement. Ex. E (settlement agreement). The terms of the settlement agreement required Contreras Villa to abate all items of the citations issued as a result of inspection numbers 1518134, 1518763, and 1520571 within 30 days of the date of the agreement,<sup>6</sup> and to complete the following enhanced abatement:

1. Request a free safety and health consultation from the Kansas Department of Labor within 30 days of the date of the agreement;
2. Attend an OSHA-10 course within 30 days of the date of the agreement and send a certificate of completion to the Area Office within ten days of completing the course;
3. Require any foreman to attend an OSHA-10 course within 30 days of the date of the agreement and send the certificates of completion to the Area Office within ten days of completing the course;
4. Develop and implement a progressive disciplinary policy within 30 days of the date of the agreement and send a copy of the program to the Area Office;
5. Provide training to all employees on the employer's hazard communication program within 30 days of the date of the agreement and send confirmation this training has been completed to the Area Office within ten days of completing the training;
6. Provide a copy of the employer's hazard communication program to the Area Office within ten days of the date of the agreement.

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<sup>6</sup> The abatement of all items of the citation issued as a result of inspection number 1517561 was accomplished at the time of the inspection and no further abatement certification is required. *See* Ex. B at pp. 023–024.

*Id.* at ¶ 2c. The settlement agreement also required Contreras Villa to pay an amended penalty of \$18,164.80 – \$10,000 immediately upon signing the agreement, and \$340.20 per month for 24 months, from July 1, 2022, to June 1, 2024. *Id.* at ¶¶ 3a, 3b. Moreover, the settlement agreement states that if any installment is more than fifteen days past due, Contreras Villa must immediately pay the original penalty minus any previously paid installments. *Id.* at ¶ 5a.

Contreras Villa withdrew his notice of contest to the citation and proposed penalties, and the parties agreed that the settlement agreement would become a final order of the Commission on the same date that the Order Terminating Proceedings became a final order. *Id.* at ¶ 7. The parties submitted a joint notification of settlement to the Commission ALJ presiding over Contreras Villa's contest to the citations arising out of inspection numbers 1517561, 1518134, 1518763, and 1520571. On June 29, 2022, pursuant to the joint notification of settlement, the ALJ issued an Order Terminating Proceedings. Ex. F (Order Terminating Proceedings). The ALJ's Order was docketed with the Commission on July 7, 2022, and it became the Commission's final order on August 8, 2022, when no Commissioner directed the case for review. Ex. G (Notice of Docketing); 29 U.S.C. § 661(j).

To date, Contreras Villa has only partially complied with this Commission final order. Following the execution of the settlement agreement, Contreras Villa

provided a certification of abatement of the hazards identified at both worksites and provided a copy of the hazard communication program to the Area Office. However, he has failed to provide any other documentation required under the enhanced abatement provisions of the settlement agreement. Additionally, Contreras Villa has made several payments on the negotiated penalty, but stopped making payments in July 2023, leaving a balance of \$3,595.99.

**B. The Parties Entered into a Settlement Agreement to Resolve the Citations Issued Under Inspection Number 1574721, Which Became a Final Order of the Commission on June 1, 2023.**

On January 26, 2022, OSHA initiated safety inspection number 1574721 of Contreras Villa at a worksite in Wichita, Kansas. Ex. H. As a result of the inspection, on April 28, 2022, OSHA issued Contreras Villa a citation alleging one willful and two repeat violations of OSHA standards and proposing penalties totaling \$108,478.00. *Id.* In item one of citation one, OSHA alleged a willful violation of its residential construction fall protection standard, 29 C.F.R. § 1926.501(b)(13), for failure to ensure that employees engaged in residential construction activities six feet or more above lower levels utilized fall protection. *Id.* at p. 081. In item one of citation two, OSHA alleged a repeat violation of the personal protective equipment standard, 29 C.F.R. § 1926.100(c), for failing to ensure employees wore protective helmets. *Id.* at p. 082. In item two of citation two, OSHA alleged a repeat violation of the ladder standard, 29 C.F.R. §

1926.1053(b)(1), for failure to ensure that portable ladders used to access an upper landing surface extended at least three feet above the upper landing surface. *Id.* at p. 083.

Contreras Villa, through counsel, timely contested the citations, and the Secretary thereafter filed a complaint, notifying the Commission of the employer's notice of contest. The matter was resolved when the parties entered into a formal settlement agreement. Ex. I (settlement agreement). The terms of the settlement agreement required Contreras Villa to abate all items of the citations and to complete the following enhanced abatement within 30 days of the date of the agreement:

1. Request a free safety and health consultation from the Kansas Department of Labor and implement all recommendations within 15 days of the consultation;
2. Attend an OSHA-10 course, require any foreman to attend an OSHA-10 course, and send a certificate of completion of the Area Office within ten days of completing the course;
3. Translate the employer's fall protection and disciplinary programs into a language spoken and understood by his employees and provide a copy of each program to each employee;
4. Provide training to all employees, in the language spoken and understood by each employee, on the employer's fall protection and disciplinary programs and send confirmation that this training has been completed to the Area Office within ten days of completing the training; and
5. For one year from the date the settlement agreement is signed, notify the Wichita Area OSHA Office by electronic mail every Monday morning,

excluding Federal Holidays, with a list of future or ongoing jobsites for that week.

*Id.* at ¶ 2. The settlement agreement also required Contreras Villa to pay an amended penalty of \$25,843.26 in 24 monthly installments, from April 1, 2023, to March 1, 2025. *Id.* at ¶¶ 1, 4. Moreover, the settlement agreement stated that if any installment is more than fifteen days past due, Contreras Villa would be required to pay the original penalty, \$108,478.00, minus any previously paid installments. *Id.* at ¶ 6a.

Contreras Villa withdrew his notice of contest to the citation and proposed penalties, and the parties agreed that the settlement agreement would become a Commission final order enforceable under section 11(b) of the OSH Act on the same date that the Order Terminating Proceedings became a final order. *Id.* at ¶¶ 2, 3, 8. Contreras Villa also agreed he would not oppose the entry of an 11(b) order of the U.S. Courts of Appeals, nor “interpose any defense to such an order alleging any infirmities concerning the Citations related to these inspections, or the terms of this Agreement.” *Id.* at ¶ 3.

The parties submitted a joint notification of settlement to the Commission ALJ presiding over Contreras Villa’s contest to the citations arising out of inspection number 1574721. On April 18, 2023, pursuant to the joint notification of settlement, the ALJ issued an Order Terminating Proceedings. Ex. J (Order Terminating Proceedings). The ALJ’s Order was docketed with the Commission on

May 2, 2023, and it became the Commission's final order on June 1, 2023, when no Commissioner directed the case for review. Ex. K (Notice of Docketing); 29 U.S.C. § 661(j).

To date, Contreras Villa has only partially complied with this Commission final order. Following the execution of the settlement agreement, Contreras Villa reported his worksite locations from March 6, 2023, through July 11, 2023.

However, he has failed to provide abatement certification documenting the abatement of the hazards identified in the citations, or documentation required under the enhanced abatement provisions of the settlement agreement.

Additionally, Contreras Villa has made several payments on the negotiated penalty, but stopped making payments in July 2023, leaving a balance of \$21,535.56.

**C. Contreras Villa Failed to Contest the Citation Issued Under Inspection Number 1664494; Therefore, the Citation Became a Final Order of the Commission on July 27, 2023.**

On April 19, 2023, OSHA initiated safety inspection number 1664494 of a Contreras Villa worksite in Bel Aire, Kansas. Ex. L. As a result of the inspection, on June 27, 2023, OSHA issued Contreras Villa two citations alleging one willful and one repeat violation of OSHA standards and proposing penalties totaling \$108,042.00. *Id.* In item one of citation one, OSHA alleged a willful violation of its residential construction fall protection standard, 29 C.F.R. § 1926.501(b)(13), for failure to ensure that employees engaged in residential construction activities six

feet or more above lower levels utilized fall protection. *Id.* at p. 114. In item one of citation two, OSHA alleged a repeat violation of 29 C.F.R. § 1926.1053(b)(1) for failure to ensure that portable ladders used to access an upper landing surface extended at least three feet above the upper landing surface. *Id.* at p. 116.

Contreras Villa received the citation on July 6, 2023, *id.* at p. 120, but did not contest the citation items or penalty. Therefore, the cited violations and proposed penalty in the citation under inspection number 1664494 became a final order of the Commission by operation of law on July 27, 2023. *See* 29 U.S.C. § 659(a).

The Commission final order requires Contreras Villa to pay a penalty of \$108,042.00 and to provide OSHA with abatement certification documenting the measures taken to abate the cited violations. To date, Contreras Villa has not complied with this Commission final order.

**D. Contreras Villa Failed to Contest the Citation Issued Under Inspection Number 1675902; Therefore, the Citation Became a Final Order of the Commission on July 27, 2023.**

On June 9, 2023, OSHA initiated safety inspection number 1675902 of Contreras Villa at a worksite in Park City, Kansas. Ex. M. As a result of the inspection, on June 28, 2023, OSHA issued Contreras Villa a citation alleging one willful violation of OSHA's residential construction fall protection standard, 29 C.F.R. § 1926.501(b)(13), and proposing a penalty of \$68,754.00. *Id.* Specifically,

OSHA alleged that Contreras Villa failed to ensure that employees engaged in residential construction activities six feet or more above lower levels used fall protection. *Id.* at p. 131.

Contreras Villa received the citation on July 6, 2023, *id.* at p. 135, but did not contest the citation item or penalty. Therefore, the violation and proposed penalty in the citation under inspection number 1675902 became a final order of the Commission by operation of law on July 27, 2023. *See* 29 U.S.C. § 659(a).

The Commission final order requires Contreras Villa to pay a penalty of \$68,754.00 and to provide OSHA with abatement certification documenting the measures taken to abate the cited violation. To date, Contreras Villa has not complied with this Commission final order.

### **REQUEST FOR JUDICIAL ENFORCEMENT**

Contreras Villa has a history of failing to comply with Commission final orders and of repeatedly violating the OSH Act, placing his employees at risk of serious injury or death. *See* Exs. A–D, H, L–M. The Secretary seeks summary enforcement of the Commission’s final orders to ensure that Contreras Villa complies with the abatement requirements of the citations, including the enhanced abatement provisions of the settlement agreements, and pays the civil penalties he owes. The Secretary therefore requests that the Court grant this petition and enter a decree enforcing the Commission’s four final orders.

Dated: March 6, 2024

Respectfully submitted,

SEEMA NANDA  
Solicitor of Labor

EDMUND C. BAIRD  
Associate Solicitor for  
Occupational Safety and Health

LOUISE M. BETTS  
Counsel for Appellate Litigation

*/s/ Sarah M. Tunney* \_\_\_\_\_

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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JULIE A. SU,		)	
ACTING SECRETARY OF LABOR,		)	
		)	
	Petitioner,	)	
		)	
v.		)	Number 23-
		)	
MARCELO CONTRERAS VILLA,		)	
dba JACKSON CONSTRUCTION,		)	
dba DGO CONSTRUCTION,		)	
		)	
	Respondent.	)	
<hr/>		)	

DECREE ENFORCING FINAL ORDERS OF THE  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

This matter is before the Court on a motion of the Secretary of Labor for summary entry of judgment against Respondent, Marcelo Contreras Villa, d/b/a Jackson Construction or DGO Construction, enforcing four final orders of the Occupational Safety and Health Review Commission (OSHRC or Commission). The Secretary is entitled to summary judicial enforcement of the orders.

WHEREFORE, under section 11(b) of the Occupational Safety and Health Review Act of 1970, 29 U.S.C. § 660(b), it is hereby:

ORDERED, ADJUDGED, AND DECREED that the four final orders of the Commission arising under the settlement agreement resolving the citations issued

under inspection numbers 1517561, 1518134, 1518763, and 1520571; the settlement agreement resolving the citation issued under 1574721; Occupational Safety and Health Administration (OSHA) inspection number 1664494; and OSHA inspection number 1675902 are hereby enforced. Accordingly, Marcelo Contreras Villa shall:

1. Abate the violations enumerated in the citations issued under OSHA inspection numbers 1518134, 1518763, 1520571, 1574721, 1664494, and 1675902.
2. Complete the enhanced abatement enumerated in the settlement agreement resolving the citations issued under inspection numbers 1517561, 1518134, 1518763, and 1520571, and the settlement agreement resolving the citation issued under inspection number 1574721.
3. Pay the \$203,372.64 in outstanding penalties, plus interest and fees, due under the settlement agreement resolving the citations issued under inspection numbers 1517561, 1518134, 1518763, and 1520571; the settlement agreement resolving the citation issued under inspection number 1574721; and the citations issued under OSHA inspection numbers 1664494 and 1675902.
4. Cease and desist from violating in any like or related manner OSHA standards as set forth in the citations in OSHA inspection numbers 1517561, 1518134, 1518763, 1520571, 1574721, 1664494, and 1675902.

5. Advise Todd Underwood, Area Director, Wichita Area Office, Occupational Safety and Health Administration, U.S. Department of Labor, in writing within ten days of the date of this Decree of the steps taken to comply with this Decree.

ENTERED BY ORDER OF THE COURT

\_\_\_\_\_  
Clerk

Date: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2024, a copy of the foregoing Petition for Summary Enforcement was filed electronically with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit and thereby served upon Respondent Marcelo Contreras Villa d/b/a Jackson Construction or DGO Construction through the Clerk of the Court pursuant to Fed. R. App. P. 15(c).

/s/ Sarah M. Tunney  
SARAH M. TUNNEY  
Senior Attorney  
U.S. Department of Labor  
200 Constitution Ave. NW  
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Washington, DC 20210  
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# Exhibit A

busque un traductor o llame al (316) 269-6644.

U.S. Department of Labor Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
269-6644 Fax: (316) 269-6185



May 19, 2021

Dear Marcelo Contreras Villa,

On 03/03/2021, an OSHA compliance officer met with you or your representative as part of an inspection at 2307 S. Chateau Wichita, KS 67201. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Ryan Hodge, Area Director

**Step 1 – Choose a Response  
Option and  
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

**Your Citation Summary**

Marcelo Contreras Villa

Inspection Number: 1518134

**Total Amount Due: \$11586.00**

**Payment Due Date: 15 working days  
after receipt of  
this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 3**

**Your First Correction Deadline is:  
June 15, 2021**

**Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

**Option #1 – Discuss with OSHA**

I will complete by: \_\_\_\_\_ / \_\_\_\_\_



- 1. Call (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

\_\_\_\_\_ / \_\_\_\_\_



- 2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

\_\_\_\_\_ / \_\_\_\_\_

**Option #2 – Correct Violations and Pay Penalty**

I will complete by: \_\_\_\_\_ / \_\_\_\_\_



- 1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days** after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.

\_\_\_\_\_ / \_\_\_\_\_



- 2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*include your Inspection Number (see first page) on the payment.\*\***

\_\_\_\_\_ / \_\_\_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

**Option #3 – Contest the Citation**

I will complete by: \_\_\_\_\_ / \_\_\_\_\_



- Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days.**

\_\_\_\_\_ / \_\_\_\_\_

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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## Citation and Notification of Penalty

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**To:**  
Marcelo Contreras Villa dba Jackson Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67201

**Inspection Number:** 1518134  
**Inspection Date(s):** 03/03/2021-03/03/2021  
**Issuance Date:** 05/19/2021

**Inspection Site:**  
2307 S. Chateau  
Wichita, KS 67201

*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.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest** to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (316) 269-6644. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

A telephone informal conference has been scheduled with OSHA to discuss the citation(s)

issued on 05/19/2021. The conference will be held by telephone on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an

informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1518134

Company Name: Marcelo Contreras Villa /Jackson Construction  
Inspection Site: 2307 S. Chateau, Wichita, KS 67201  
Issuance Date: 05/19/2021

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor – Occupational Safety and Health Administration, 100 N. Broadway Suite 470, Wichita, KS 67202.

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1518134  
Inspection Date(s): 03/03/2021 - 03/03/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2307 S. Chateau, Wichita, KS 67201**

**Citation 1 Item 1** Type of Violation: **Repeat - Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

The employer is failing to protect employees from health hazards such as skin and eye irritation, vision loss, and loss of consciousness. This was most recently documented when employees engaged in residential framing activities, in that the employer had not developed and implemented a written comprehensive hazard communication program. This was most recently documented at 2307 S. Chateau Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1910.1200(e)(1)**, which was contained in OSHA inspection number **1508427**, citation number **1**, item number **1** and was affirmed as a final order on **02.18.2021**, with respect to a workplace located at **5682 Pebblecreek St. Bel Aire, KS**.

**29 CFR 1903.19(d)(1)** requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: **June 15, 2021**  
Proposed Penalty: **\$3,862.00**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1518134  
Inspection Date(s): 03/03/2021 - 03/03/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2307 S. Chateau, Wichita, KS 67201**

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

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use:

The employer is failing to protect employees from health hazards such as skin and eye irritation, vision loss, and loss of consciousness. This was most recently documented when employees engaged in residential framing activities, in that the employer did not maintain the required safety data sheets for each hazardous chemical used at the workplace. This was most recently documented at 2307 S. Chateau Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(e)(1), which was contained in OSHA inspection number **1508427**, citation number **1**, item number **2** and was affirmed as a final order on **02.18.2021**, with respect to a workplace located at 5682 Pebblecreek St. Bel Aire, KS .

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 15, 2021  
\$3,862.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1518134  
Inspection Date(s): 03/03/2021 - 03/03/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2307 S. Chateau, Wichita, KS 67201**

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


29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area: (Construction Reference: 1926.59)

The employer is failing to protect employees from health hazards such as skin and eye irritation, vision loss, and loss of consciousness. This was most recently documented when employees engaged in residential framing activities, in that the employer had not provided employees with effective information and training on the hazardous chemicals in their workplace. This was most recently documented at 2307 S. Chateau Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1200(e)(1), which was contained in OSHA inspection number 1508427, citation number 1, item number 3 and was affirmed as a final order on 02.18.2021, with respect to a workplace located at 5682 Pebblecreek St. Bel Aire, KS .

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: June 15, 2021  
Proposed Penalty: \$3,862.00

  
**Ryan Hodge**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2307 S. Chateau, Wichita, KS 67201**  
**Issuance Date: 05/19/2021**

**Summary of Penalties for Inspection Number: 1518134**

Citation 1 Item 1, Repeat - Serious	\$3,862.00
Citation 1 Item 2, Repeat - Serious	\$3,862.00
Citation 1 Item 3, Repeat - Serious	\$3,862.00

**TOTAL PROPOSED PENALTIES: \$11,586.00**

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of

Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Ryan Hodge  
Area Director

5-19-21  
Date

SENDER: COMPLETE THIS SECTION 24-9505

COMPLETE THIS SECTION ON DELIVERY Date filed 08/05/09

Complete items 1, 2, and 3.  
 Print your name and address on the reverse so that we can return the card to you.

A  
O  
A

Marcelo Contreras Villa  
 dba Jackson Construction  
 and its successors  
 3232 S Clifton Ave, Lot 64  
 Wichita, KS 67201  
 #1518134 & #1517561



9590 9402 2689 6351 2946 89

Article Number (Transfer from service label)  
 7019 2280 0002 0632 4127

A. Signature  
 X J C  Agent  Addressee

B. Received by (Printed Name)  
 B. P. M. C. V. S.

C. Date of Delivery  
 5/24/09

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

RECEIVED  
 MAY 25 2009

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Sent To \_\_\_\_\_

Total Postage and Fees \$ 0.00

Postage \$ 0.00

Postmark Here

Return Receipt (hardcopy) \$ \_\_\_\_\_  
 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage \$ \_\_\_\_\_

Postmark Here

Certified Mail Fee \$ \_\_\_\_\_

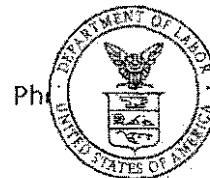
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

Domestic Mail Only

U.S. Postal Service™  
 CERTIFIED MAIL® RECEIPT

# **Exhibit B**

**U.S. Department of Labor** Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
269-6644 Fax: (316) 269-6185



May 19, 2021

Dear Marcelo Contreras Villa,

On 03/03/2021, an OSHA compliance officer met with you or your representative as part of an inspection at 2307 S Chateau Wichita, KS 67205. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Ryan Hodge, Area Director

**Your Citation Summary**  
Marcelo Contreras Villa  
Inspection Number: 1517561

**Total Amount Due: \$16384.00**  
**Payment Due Date: 15 working days after receipt of this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 2**

**Your First Correction Deadline is:  
Corrected During Inspection**

**Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

**Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

**Option #1 – Discuss with OSHA**

I will complete by:



1. Call (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

\_\_\_ / \_\_\_



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

\_\_\_ / \_\_\_

**Option #2 – Correct Violations and Pay Penalty**

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

\_\_\_ / \_\_\_



2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

\_\_\_ / \_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

**Option #3 – Contest the Citation**

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, **postmarked within 15 working days.**

\_\_\_ / \_\_\_

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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## Citation and Notification of Penalty

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**To:**  
Marcelo Contreras Villa dba Jackson Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67201

**Inspection Number:** 1517561  
**Inspection Date(s):** 03/03/2021-03/03/2021  
**Issuance Date:** 05/19/2021

**Inspection Site:**  
2307 S Chateau  
Wichita, KS 67205

*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.*

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<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

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**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

A telephone informal conference has been scheduled with OSHA to discuss the citation(s)

issued on 05/19/2021. The conference will be held by telephone on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an

informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1517561

Company Name: Marcelo Contreras Villa /Jackson Construction
Inspection Site: 2307 S Chateau, Wichita, KS 67205
Issuance Date: 05/19/2021

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor – Occupational Safety and Health Administration, 100 N. Broadway Suite 470, Wichita, KS 67202.

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1517561  
Inspection Date(s): 03/03/2021 - 03/03/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2307 S Chateau, Wichita, KS 67205**

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Citation 1 Item 1 Type of Violation: **Repeat - Serious**

29 CFR 1926.501(b)(13):Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

The employer is failing to protect employees from fall hazards of approximately 13 feet. This was most recently documented when employees engaged in residential framing activities in that fall protection was not utilized. This was most recently documented at 2307 S Chateau, Wichita, KS.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1926.501(b)(13)**, which was contained in OSHA inspection number **1508640**, citation number **1**, item number **7** and was affirmed as a final order on **02/18/21**, with respect to a workplace located at **5682 Pebblecreek St. Bel Aire, KS**.

**29 CFR 1903.19(c)(2)** abatement of the above violation was verified at time of inspection, no certification is required.

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$8,192.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1517561  
Inspection Date(s): 03/03/2021 - 03/03/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2307 S Chateau, Wichita, KS 67205**

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

29 CFR 1926.1053(b)(1): Portable ladders were used for access to an upper landing surface and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface to which the ladder was used to gain access:

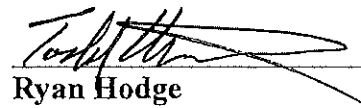
The employer is failing to protect employees from fall hazards of approximately 11 feet while accessing the roof surface. This was most recently documented when employees engaged in residential framing activities in that the aluminum ladder used to access the roof did not extend 3 feet from the eave of the roof nor was secured to the structure.. This was most recently documented at 2307 S Chateau, Wichita KS.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1926.1053(b)(1)**, which was contained in OSHA inspection number **1508640**, citation number 1, item number 7 and was affirmed as a final order on **02/18/21**, with respect to a workplace located at **5682 Pebblecreek St. Bel Aire, KS**.

**29 CFR 1903.19(c)(2) abatement of the above violation was verified at time of inspection, no certification is required.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$8,192.00

  
Ryan Hodge  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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INVOICE /  
DEBT COLLECTION NOTICE

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**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2307 S Chateau, Wichita, KS 67205**  
**Issuance Date: 05/19/2021**

**Summary of Penalties for Inspection Number: 1517561**

Citation 1 Item 1, Repeat - Serious	\$8,192.00
Citation 1 Item 2, Repeat - Serious	\$8,192.00

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**TOTAL PROPOSED PENALTIES: \$16,384.00**

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

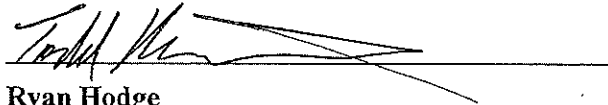
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of

Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Ryan Hodge  
Area Director

5-19-21  
Date

SENDER: COMPLETE THIS SECTION 24 8506

COMPLETE THIS SECTION ON DELIVERY 74 Date Filed: 3/24/21 Page 63

1. Complete items 1, 2, and 3.  
2. Print your name and address on the reverse so that we can return the card to you.

Marcelo Contreras Villa  
dba Jackson Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67201  
#1518134 & #1517561



9590 9402 2689 6351 2946 89  
Article Number (Transfer from service label)  
7019 2280 0002 0632 4127

A. Signature  
X MC  Agent  Addressee

B. Received by (Printed Name) BO RIVERA CVIS C. Date of Delivery 3/24/21

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

**RECEIVED**  
**MAY 23 2021**

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Postage and Fees

Postmark Here

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

OFFICIAL USE

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at www.usps.com

# Exhibit C

Este documento es muy importante. Si no habla inglés, busque un traductor o llame al (316) 269-6644.

**U.S. Department of Labor** Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
269-6644 Fax: (316) 269-6185



May 19, 2021

Dear Marcelo Contreras Villa,

On 03/10/2021, an OSHA compliance officer met with you or your representative as part of an inspection at 2509 Spring Hollow Wichita, KS 67205. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Ryan Hodge, Area Director

**Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

**Your Citation Summary**

Marcelo Contreras Villa  
Inspection Number: 1518763

**Total Amount Due: \$26389.00**  
**Payment Due Date: 15 working days after receipt of this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 4**

**Your First Correction Deadline is:  
June 15, 2021**

**Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

**Option #1 – Discuss with OSHA**

I will complete by:



1. Call (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

\_\_\_ / \_\_\_



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

\_\_\_ / \_\_\_

**Option #2 – Correct Violations and Pay Penalty**

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

\_\_\_ / \_\_\_



2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

\_\_\_ / \_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

**Option #3 – Contest the Citation**

I will complete by:



- Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days.**

\_\_\_ / \_\_\_

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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## Citation and Notification of Penalty

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**To:**  
Marcelo Contreras Villa dba Jackson Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67201

**Inspection Number:** 1518763  
**Inspection Date(s):** 03/10/2021-03/10/2021  
**Issuance Date:** 05/19/2021

**Inspection Site:**  
2509 Spring Hollow  
Wichita, KS 67205

*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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest** to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (316) 269-6644. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

A telephone informal conference has been scheduled with OSHA to discuss the citation(s)

issued on 05/19/2021. The conference will be held by telephone on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an

informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1518763

Company Name: Marcelo Contreras Villa /Jackson Construction
Inspection Site: 2509 Spring Hollow, Wichita, KS 67205
Issuance Date: 05/19/2021

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor - Occupational Safety and Health Administration, 100 N. Broadway Suite 470, Wichita, KS 67202.

Citation Number \_\_\_\_ and Item Number \_\_\_\_ was corrected on \_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_ and Item Number \_\_\_\_ was corrected on \_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_ and Item Number \_\_\_\_ was corrected on \_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_ and Item Number \_\_\_\_ was corrected on \_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_ and Item Number \_\_\_\_ was corrected on \_\_\_\_
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_ and Item Number \_\_\_\_ was corrected on \_\_\_\_
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1518763  
Inspection Date(s): 03/10/2021 - 03/10/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**

---

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

29 CFR 1926.102(a)(1): Eye and face protective equipment were not used when machines or operations presented potential eye or face injury from physical, chemical, or radiation agents:

The employer is failing to protect employees from struck-by hazards while operating circular saws. This was most recently documented when employees engaged in residential framing activities in that eye protection was not utilized. This was most recently documented at 2509 Spring Hollow Wichita, Kansas.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete

Date By Which Violation Must be Abated: June 15, 2021  
Proposed Penalty: \$3,862.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1518763  
Inspection Date(s): 03/10/2021 - 03/10/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**

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

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed:

The employer is failing to protect employees from fall hazards of approximately 11 feet while accessing the roof surface. This was most recently documented when employees engaged in residential framing activities in that the aluminum ladder used to access the roof did not extend 3 feet from the eave of the roof nor was secured to the structure.. This was most recently documented at 2509 Spring Hollow Wichita, Kansas.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete**

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 15, 2021  
\$4,505.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1518763  
Inspection Date(s): 03/10/2021 - 03/10/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**

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

29 CFR 1910.178(m)(5)(ii): A powered industrial truck shall not be left unattended when the operator is 25 ft. or more away from the vehicle which remains in view, or whenever the operator leaves the vehicle and it is not in view:

The employer is failing to protect employees from struck-by, and crushing hazards. This was most recently documented when employees engaged in residential framing activities in that the Gradall Telehandler was left unattended and the operator left the jobsite which was more than 25 feet away. This was most recently documented at 2509 Spring Hollow Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1910.178(m)(5)(ii)**, which was contained in OSHA inspection number **1508640**, citation number **1**, item number **1** and was affirmed as a final order on **02-18-2021**, with respect to a workplace located at **5682 Pebblecreek St. Bel Aire, KS**.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: **June 15, 2021**  
Proposed Penalty: **\$9,011.00**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1518763  
Inspection Date(s): 03/10/2021 - 03/10/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**

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**Citation 2 Item 2** Type of Violation: **Repeat - Serious**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

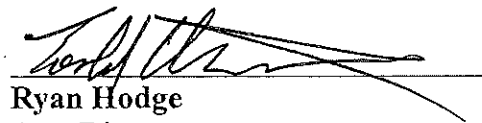
The employer is failing to protect employees from fall hazards of approximately 13 feet. This was most recently documented when employees engaged in residential framing activities in that fall protection was not utilized. This was most recently documented at 2509 Spring Hollow Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1926.501(b)(13)**, which was contained in OSHA inspection number **1508640**, citation number **1**, item number **8** and was affirmed as a final order on **02-18-2021**, with respect to a workplace located at **5682 Pebblecreek St. Bel Aire, KS**.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete**

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 15, 2021  
\$9,011.00

  
Ryan Hodge  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**  
**Issuance Date: 05/19/2021**

**Summary of Penalties for Inspection Number: 1518763**

Citation 1 Item 1, Serious	\$3,862.00
Citation 1 Item 2, Serious	\$4,505.00
Citation 2 Item 1, Repeat - Serious	\$9,011.00
Citation 2 Item 2, Repeat - Serious	\$9,011.00
<b>TOTAL PROPOSED PENALTIES:</b>	<b>\$26,389.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

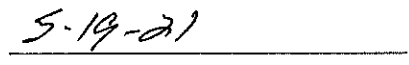
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Ryan Hodge

Area Director



Date

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.

Marcelo Contreras Villa dba Jr  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67201  
#1518763 & #1520571



9590 9402 2689 6351 2949 48

2. Article Number (Transfer from service label)

7019 2280 0002 0632 4134

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
X JC  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
BT RTT619 CUS 5/24/21

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

RECEIVED  
MAY 25 2021

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

Street and Apt. No., or PO Box No.

Zip

City

State

Postage

Postage

Postage

Postage

Postage

Postage

Postage

Postage

Postage

Postage

Postage

Postage

Postage

Official Use

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

Postmark  
Here

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Collect Mail Restricted Delivery \$

Signature Required \$

Adult Signature Restricted Delivery \$

Postage and Fees

Postage

Postage

Postage

# Exhibit D

busque un traductor o llame al (316) 269-6644.

U.S. Department of Labor Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
269-6644 Fax: (316) 269-6185



May 19, 2021

Dear Marcelo Contreras Villa,

On 03/10/2021, an OSHA compliance officer met with you or your representative as part of an inspection at 2509 Spring Hollow Wichita, KS 67205. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Ryan Hodge, Area Director

**Step 1 – Choose a Response  
Option and  
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

**Your Citation Summary**

Marcelo Contreras Villa

Inspection Number: 1520571

**Total Amount Due: \$10533.00**

**Payment Due Date: 15 working days  
after receipt of  
this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 3**

**Your First Correction Deadline is:  
June 15, 2021**

**Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

**Option #1 – Discuss with OSHA**

I will complete by:



- 1. Call (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

\_\_\_ / \_\_\_



- 2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

\_\_\_ / \_\_\_

**Option #2 – Correct Violations and Pay Penalty**

I will complete by:



- 1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

\_\_\_ / \_\_\_



- 2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

\_\_\_ / \_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

**Option #3 – Contest the Citation**

I will complete by:



- Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days.**

\_\_\_ / \_\_\_

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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## Citation and Notification of Penalty

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**To:**  
Marcelo Contreras Villa dba Jackson Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67201

**Inspection Number:** 1520571  
**Inspection Date(s):** 03/10/2021-03/10/2021  
**Issuance Date:** 05/19/2021

**Inspection Site:**  
2509 Spring Hollow  
Wichita, KS 67205

*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.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest** to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (316) 269-6644. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

A telephone informal conference has been scheduled with OSHA to discuss the citation(s)

issued on 05/19/2021. The conference will be held by telephone on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an

informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1520571

Company Name: Marcelo Contreras Villa /Jackson Construction  
Inspection Site: 2509 Spring Hollow, Wichita, KS 67205  
Issuance Date: 05/19/2021

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: U.S. Department of Labor – Occupational Safety and Health Administration, 100 N. Broadway Suite 470, Wichita, KS 67202.

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_

Title \_\_\_\_\_

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1520571  
Inspection Date(s): 03/10/2021 - 03/10/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**

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Citation 1 Item 1 Type of Violation: **Repeat - Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met: (Construction Reference: 1926.59)

The employer is failing to protect employees from health hazards such as skin and eye irritation, vision loss, and loss of consciousness. This was most recently documented when employees engaged in residential framing activities, in that the employer had not developed and implemented a written comprehensive hazard communication program. This was most recently documented at 2509 Spring Hollow Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1910.1200(e)(1)**, which was contained in OSHA inspection number **1508427**, citation number 1, item number 1 and was affirmed as a final order on **02/18/21**, with respect to a workplace located at **5682 Pebblecreek St, Bel Aire, KS**.

**29 CFR 1903.19(d)(1)** requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 15, 2021  
\$3,511.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1520571  
Inspection Date(s): 03/10/2021 - 03/10/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**

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

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use:

The employer is failing to protect employees from health hazards such as skin and eye irritation, vision loss, and loss of consciousness. This was most recently documented when employees engaged in residential framing activities, in that the employer did not maintain the required safety data sheets for each hazardous chemical used at the workplace. This was most recently documented at 2509 Spring Hollow Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1910.1200(e)(1)**, which was contained in OSHA inspection number **1508427**, citation number **1**, item number **2** and was affirmed as a final order on 02/18/21, with respect to a workplace located at **5682 Pebblecreek St, Bel Aire, KS**.

**29 CFR 1903.19(d)(1)** requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 15, 2021  
\$3,511.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1520571  
Inspection Date(s): 03/10/2021 - 03/10/2021  
Issuance Date: 05/19/2021



**Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa dba Jackson Construction**  
**Inspection Site: 2509 Spring Hollow, Wichita, KS 67205**

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area: (Construction Reference: 1926.59)

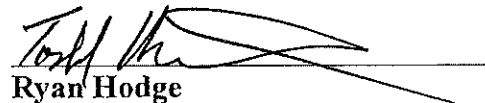
The employer is failing to protect employees from health hazards such as skin and eye irritation, vision loss, and loss of consciousness. This was most recently documented when employees engaged in residential framing activities, in that the employer had not provided employees with effective information and training on the hazardous chemicals in their workplace. This was most recently documented at 2509 Spring Hollow Wichita, Kansas.

**Marcelo Contreras Villa dba Jackson Construction** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **29 CFR 1910.1200(e)(1)**, which was contained in OSHA inspection number **1508427**, citation number **1**, item number **3** and was affirmed as a final order on **02/18/21**, with respect to a workplace located at **5682 Pebblecreek St, Bel Aire, KS**.

**29 CFR 1903.19(d)(1)** requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 15, 2021  
\$3,511.00

  
Ryan Hodge  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name:** Marcelo Contreras Villa dba Jackson Construction  
**Inspection Site:** 2509 Spring Hollow, Wichita, KS 67205  
**Issuance Date:** 05/19/2021

**Summary of Penalties for Inspection Number:** 1520571

Citation 1 Item 1, Repeat - Serious	\$3,511.00
Citation 1 Item 2, Repeat - Serious	\$3,511.00
Citation 1 Item 3, Repeat - Serious	\$3,511.00

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**TOTAL PROPOSED PENALTIES:** **\$10,533.00**

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

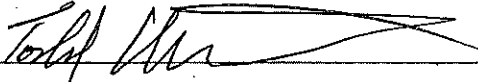
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of

Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Ryan Hodge  
Area Director

5-19-21

Date



# **Exhibit E**

UNITED STATES OF AMERICA  
 OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

-----  
 SECRETARY OF LABOR,  
 UNITED STATES DEPARTMENT OF LABOR,

Complainant,

OSHRC DOCKET

v.

NOS. 21-0742  
 21-0743  
 21-0744  
 21-0745

MARCELO CONTRERAS VILLA  
 d/b/a Jackson Construction,

Respondent.

-----  
 OSHA INSPECTION NOS. 15120571, 1517561, 1518134, 1518763

STIPULATION AND SETTLEMENT AGREEMENT

The Secretary of Labor, United States Department of Labor, hereinafter referred to as the “Secretary,” and Marcelo Contreras Villa, d/b/a Jackson Construction, hereinafter referred to as “Respondent,” stipulate and agree as follows:

1. Based on a reevaluation of the evidence and a reconsideration of the statutory factors on which the proposed penalties are determined, the Secretary hereby amends:

a. Citation number 1 for inspection No. 1517561 as follows:

Item	Standard	Proposed Penalties	Amended Penalties	Other Amendments
1	1926.501(b)(13)	\$8,192	\$1,802.20	
2	1926.1053(b)(1)	\$8,192	\$1,638.40	Classification amended to serious as outlined in the Complaint

b. Citation number 1 for inspection No. 1518134 as follows:

Item	Standard	Proposed Penalties	Amended Penalties	Other Amendments
1	1910.1200(e)(1)	\$3,862	\$772.40	
2	1910.1200(g)(1)	\$3,862	\$772.40	
3	1910.1200(h)(1)	\$3,862	\$772.40	

c. Citation number 1 for inspection No. 1518763 as follows:

Item	Standard	Proposed Penalties	Amended Penalties	Other Amendments
1	1926.102(a)(1)	\$3,862	\$772.40	
2	1926.1053(b)(1)	\$4,505	\$1,638.40	

d. Citation number 2 for inspection No. 1518763 as follows:

Item	Standard	Proposed Penalties	Amended Penalties	Other Amendments
1	1910.178(m)(5)(ii)	\$9,011	\$1,802.20	
2	1926.501(b)(13)	\$9,011	\$1,802.20	

e. Citation number 1 for inspection No. 1520571 as follows:

Item	Standard	Proposed Penalties	Amended Penalties	Other Amendments
1	1910.1200(e)(1)	\$3,511	\$772.40	
2	1910.1200(g)(1)	\$3,511	\$772.40	
3	1910.1200(h)(1)	\$3,511	\$772.40	

Total Amended Penalty: \$14,090.20

The Citation and notifications of proposed penalties are deemed amended accordingly.

Respondent will comply with all applicable abatement verification provisions of 29 C.F.R. § 1903.19, including but not limited to, all certification, documentation, and posting requirements. Abatement certification shall be accomplished within 10 calendar days after the abatement date by e-mailing a letter to the Wichita Area Office: [complaints.fl35@dol.gov](mailto:complaints.fl35@dol.gov) stating that abatement has been completed, the date and method of abatement, and that affected employees and their representatives have been informed of the abatement. Any required abatement documentation shall be submitted along with the abatement certification.

2. Respondent hereby withdraws its notice of contest to the citation and the proposed penalties, as amended herein. In support of its withdrawal, Respondent states:

a. That abatement of all items of Citation number 1 of inspection 1517561 was accomplished at the time of the inspection and the citation as issued so notes and, therefore, pursuant to 29 C.F.R. § 1903.19(c)(2), no further abatement certification is required;

b. That abatement of all items of all citations of inspections 1518134, 1518763, and 1520571 will be accomplished within 30 days of the date of this Agreement, which

shall be the final abatement date for said items. Any required abatement documentation shall be submitted along with the abatement certification;

c. Respondent agrees to the following enhanced abatement:

(i) Respondent will request a free safety and health consultation from the Kansas Department of Labor, <https://www.dol.ks.gov/ish>, within 30 days of the date of this Agreement;

(ii) Respondent will attend an OSHA-10 course within 30 days of the date of this Agreement and will send a certificate of completion of the Area Office within 10 days of completing the course;

(iii) Respondent will ensure its foreman attends an OSHA-10 course within 30 days of the date of this Agreement and will send the certificate of completion to the Area Office within 10 days of completing the course;

(iv) Respondent will develop and implement a progressive disciplinary policy within 30 days of the date of this Agreement. Respondent will send a copy of this program to the Area Office;

(v) Respondent will provide training to all employees on the Respondent's hazard communication program within 30 days of the date of this Agreement and will send confirmation this training has been completed to the Area Office within 10 days of completing the training;

(vi) Respondent will provide a copy of its Hazard Communication program to the Area Office within 10 days of the date of this Agreement.

Nothing in this paragraph shall be deemed to lessen or modify Respondent's duties and obligations under the Occupational Safety and Health Act or the standards and regulations promulgated thereunder;

d That affected employees are not represented by an authorized employee representative, and, therefore, a copy of this Stipulation and Settlement Agreement will be posted at Respondent's workplace on 6/13/2022, at 15304 Teakwood, Wichita, Ks. where it may be viewed by its employees. The Agreement will remain posted for 14 days;

3. Respondent shall tender payment of the total amount of **\$18,164.80** to the Secretary's representatives at the OSHA Wichita Area Office, or electronically at [www.pay.gov](http://www.pay.gov), according to the following schedule:

a. Respondent will pay \$10,000 immediately upon signing this Agreement.

This payment will be applied in the following manner

(i) \$1,114.92 will be used to satisfy the amended penalty in its entirety as outlined in the settlement agreement associated with inspection No. 1479528.

(ii) \$2,959.60 will be used to satisfy the amended penalty in its entirety as outlined in the settlement agreement associated with inspection No. 1508427.

(iii) \$1,481.37 will be applied towards the amended penalties, as outlined in this Agreement, in inspection No. 1517561, leaving a balance of \$1,959.23.

(iv) \$1,481.37 will be applied towards the amended penalties, as outlined in this Agreement, in inspection No. 1518134, leaving a balance of \$835.83.

(v) \$1,481.37 will be applied towards the amended penalties, as outlined in this Agreement, in inspection No. 1518763, leaving a balance of \$4,533.83.

(vi) \$1,481.37 will be applied towards the amended penalties, as outlined in this Agreement, in inspection No. 1520571, leaving a balance of \$835.83.

b. Respondent will make twenty-four (24) monthly installments of the amended penalty on as outlined in Paragraphs 1 and 3a, on the first of each month beginning the month after the date of this Agreement, in the amount of **\$340.20**.

c. The payments will be applied to the inspections outlined in Paragraph 1 as follows:

Inspection No.	Monthly Amt
1517561	\$81.63
1518134	\$34.83
1518763	\$188.91
1520571	\$34.83

d. Failure to make any payment when due will cause the remaining balance to become immediately due and payable.

e. The parties agree that any unpaid balance under this agreement is a debt owing to the United States and is subject to the Debt Collection Act of 1982 (Public Law 97-365) and the Debt Collection Improvement Act of 1996, 31 U.S.C. §§ 3701-3719.

f. In addition to the payments outlined in Paragraph 3, Respondent will continue his current monthly payment of \$366.00 under the settlement agreement addressing inspection 1508640.

4. By entering into this Agreement, Respondent affirms that the financial documents and information submitted to OSHA are a true, accurate and complete disclosure of its assets and that it is in fact presently unable to pay the full penalty. Respondent specifically acknowledges that Complainant expressly relied upon the information provided in the financial documents in entering into this Agreement and that the submission of truthful financial documents and information to Complainant and affirmation of the truthfulness of the documents and information is a necessary and material condition precedent to Complainant's agreement to the terms reflected herein in this Agreement.

5. Payment of any outstanding balance of the original combined penalties will become immediately due and payable in the event that:

a. Any installment is more than fifteen (15) days past due of the specified due date; or

b. Respondent either withheld material information or provided material information in the financial documents referenced above in paragraph 4 that was false.

6. Respondent takes the position that for purposes of actions other than actions or proceedings under the provisions of the Occupational Safety and Health Act of 1970, nothing contained herein shall be deemed an admission by Respondent that Respondent violated the Act or its regulations or standards.

7. The Secretary and Respondent agree that based on the foregoing representations of Respondent, an Order Terminating Proceedings of the Commission may be entered of record. The Respondent withdraws its notice of contest, and agrees that the citation(s), penalties, and abatement measures (as set forth and amended herein by this Agreement) shall become a final order of the Commission on the same date that the Order Terminating Proceeding becomes a final order, as set forth in the Notice of Docketing issued by the Executive Secretary of the Commission.

8. Further, each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding, including but not limited to,


attorney's fees, costs, and other expenses which may be available under the Equal Access to Justice Act (5 U.S.C. § 504), as amended.

June  
Dated this 8 day of ~~May~~, 2022.

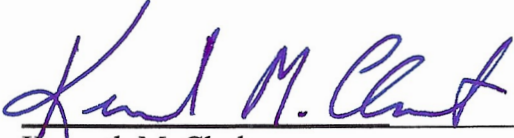
Seema Nanda  
Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

 June 10, 2022  
Elaine M. Smith  
Trial Attorney

/s/ Marcelo Contreras Villa  
Marcelo Contreras Villa  
3232 S. Clifton Ave, Lot 64  
Wichita KS 67202

  
Kenneth M. Clark  
Kenneth M. Clark, P.A.  
301 West Central  
Wichita, KS 67202  
(T) 316.260.6538  
[kclark@clarkpalaw.com](mailto:kclark@clarkpalaw.com)

Attorney for Respondent

2300 Main Street, Suite 10100  
Kansas City, MO 64108  
(816) 285-7262  
(816) 285-7287 (fax)  
[smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov)

Attorneys for Secretary of Labor  
U.S. Department of Labor

NOTICE TO EMPLOYEES OR EMPLOYEE REPRESENTATIVE

The attached Stipulation and Settlement Agreement has been entered into by the parties hereto. The parties will file a joint Notification of Settlement to the Occupational Safety and Health Review Commission requesting an Order Terminating Proceeding. The Agreement will remain posted until the Court issues an Order Terminating Proceedings of the Commission or for 14 days from signing. If you have any comments on the Stipulation and Settlement Agreement, you may submit them within 14 days of service or posting to:

Judge Patrick B. Augustine  
Occupational Safety and Health  
Review Commission  
U.S. Customs House  
721 19<sup>th</sup> Street, Room 407  
Denver, Colorado 80202-2517

A copy of such comments should also be sent to:

Evert H. Van Wijk  
Associate Regional Solicitor  
U.S. Department of Labor  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108

Posted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

# Exhibit F



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
721 19<sup>th</sup> Street, Room 407  
Denver, Colorado 80202-2517

Phone: (303) 844-2882

Fax: (303) 844-3759

**Notice of Order and Report**

**In Reference To:**

**Secretary of Labor v. MARCELO CONTRERAS VILLA dba JACKSON  
CONSTRUCTION**

**OSHRC Docket Nos.: 21-0742, 21-1743, 21-0744 & 21-0745 (Consolidated)**

1. *Judge's report.* The enclosed Order Terminating Proceeding acknowledges that the parties have resolved certain contested citation items and proposed penalties and agreed to terminate the proceeding before the Commission in whole (or in part) by filing a Notification of Settlement (or a Notification of Partial Settlement) pursuant to Commission Rule 100, 29 C.F.R. § 2200.100.<sup>1</sup> The Order Terminating Proceeding, together with all other items comprising the record, shall be sent promptly to the Commission's Executive Secretary for docketing, and shall constitute the report of this Administrative Law Judge pursuant to section 12(j) of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. § 661(j).
2. *Commission final order.* The Order Terminating Proceeding shall become a final order of the Commission thirty (30) days from the date of its docketing by the Executive Secretary, unless review thereof is directed by a Commission member within that time. *See* section 12(j) of the Act; Commission Rule 90(f), 29 C.F.R. § 2200.90(f).
3. *Correction of errors in the Judge's report.* Requests to correct clerical errors arising through oversight or inadvertence in the Order Terminating Proceeding or in other parts of the Judge's report shall be filed, by motion, with the undersigned Judge, pursuant to Commission Rule 90(b)(4)(i), 29 C.F.R. § 2200.90(b)(4)(i). Motions shall conform to Commission Rule 40, 29 C.F.R. § 2200.40.
4. *Filing with Executive Secretary.* Except for motions filed to correct errors in the Judge's report, discussed in paragraph 3 above, on or after the date that the Executive Secretary docketes the Judge's report all items, including motions, shall be filed with the Executive Secretary at the address noted below. *See* Commission Rule 90(d), 29 C.F.R. § 2200.90(d).

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<sup>1</sup> OSHRC's new Rules of Procedure were effective June 10, 2019 and all references contained herein refer to these revised Rules. Rules of Procedure, 84 Fed. Reg. 14554 (April 10, 2019) (to be codified at 29 C.F.R. pt. 2200). (<https://www.federalregister.gov/documents/2019/04/10/2019-06581/rules-of-procedure>).

**Executive Secretary  
Occupational Safety and Health Review Commission  
One Lafayette Centre  
1120 20th Street NW, Suite 980  
Washington, D.C. 20036-3457**

*/s/ Patrick B. Augustine*

**Patrick B. Augustine  
Judge, OSHRC**

Dated: June 28, 2022  
Denver, CO



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
U.S. CUSTOM HOUSE  
721 19<sup>TH</sup> STREET, ROOM 407  
DENVER, COLORADO 80202-2517

SECRETARY OF LABOR,  
Complainant,

v.

MARCELO CONTRERAS VILLA DBA  
JACKSON CONSTRUCTION,  
Respondent.

OSHRC Docket Nos.:  
21-0742, 21-1743, 21-0744  
and 21-0745 (Consolidated)

**ORDER TERMINATING PROCEEDING**

The parties have filed a Joint Notification of Settlement acknowledging the parties have resolved all contested citation items and agreed to terminate the proceeding before the Commission.

IT IS ORDERED this proceeding is TERMINATED pursuant to Commission Rule 100(b)(3); 100(c), 29 C.F.R. § 2200.100(c).

This Order Terminating Proceeding shall become a final Order of the Commission thirty (30) days from the date of its docketing by the Executive Secretary, unless a Commission Member directs review of the order within that time. See 29 U.S.C. § 661(j); Commission Rule 90(f), 29 C.F.R. § 2200.90(f).

SO ORDERED.

*/s/ Patrick B. Augustine*

Dated: **June 28, 2022**

**Patrick B. Augustine**  
**Judge, OSHRC**

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the Order Terminating Proceedings was sent electronically to the parties listed below on June 28, 2022:

Elaine M. Smith, Esq.  
U.S. Department of Labor  
Office of the Solicitor  
2300 Main Street, Suite 1020  
Kansas City, Missouri 64108  
smith.elaine.m@dol.gov  
SOL.KC.Docket@dol.gov

Kenneth M. Clark  
Kenneth M. Clark, PA  
301 W. Central  
Wichita, Kansas 67202  
kclark@clarkpalaw.com

*/s/ Elaine P. Nicholas*

**Dated: June 28, 2022**

---

Elaine P. Nicholas,  
Legal Assistant  
Judge Patrick B. Augustine  
U.S. Custom House  
OSHRC  
721 19<sup>th</sup> Street, Suite 407  
Denver, Colorado 80202  
(303) 844-0418  
(303) 844-3759 – FAX

# Exhibit G



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
1120 20th Street, N.W., Ninth Floor  
Washington, DC 20036-3457

Phone: (202) 606-5400  
Fax: (202) 606-5050

Secretary of Labor,  
Complainant,

v.  
Marcelo Contreras Villa dba Jackson Construction,  
Respondent.

Region: 7  
OSHRC Docket No. 21-0742  
Consolidated Dockets: 21-0743, 21-0744, 21-0745  
OSHA Inspection No. 1520571, 1517561,  
1518134, 1518763

**Notice of Docketing of Administrative Law Judge's Decision**

The Administrative Law Judge's Report in the above referenced case was docketed with the Commission on 07/07/2022. The decision of the Judge will become a final order of the Commission on 08/08/2022 unless a Commission member directs review of the decision on or before that date.

Any party desiring review of the Judge's decision by the Commission must file a petition for discretionary review. Any such petition must be received by the Executive Secretary on or before 07/27/2022 in order to permit sufficient time for its review. See Commission Rule 91, 29 C.F.R. 2200.91. All further pleadings or communications regarding this case shall be addressed to the Executive Secretary with a copy to the DOL Solicitor at the address below.

**Executive Secretary**  
**Occupational Safety and Health Review**  
**Commission**  
1120 20th St., N.W., Suite 980  
Washington, D.C. 20036-3419

**Louise M. Betts, Counsel for Appellate Litigation**  
**Heather R. Phillips, Counsel for Appellate Litigation**  
**Office of the Solicitor, U.S. DOL**  
**Room S4004**  
**200 Constitution Avenue, N.W.**  
**Washington, D.C. 20210**

If directed for Review by the Commission, then the Counsel for Appellate Litigation will represent the Department of Labor. If you have questions, please contact the Executive Secretary's Office at (202) 606-5400.

John X. Cerveny  
Executive Secretary

Date: 07/07/2022

/s/

Kevin Rivera, Legal Clerk

This notice has been sent to:

Evert H. Van Wijk, Associate Regional Solicitor  
Office of the Solicitor, U.S. DOL  
Two Pershing Square Building, 2300 Main Street, Suite 1020  
Kansas City, Missouri 64108  
Attn: Elaine M. Smith, Esq.  
Email: [smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov)  
[SOL.KC.Docket@dol.gov](mailto:SOL.KC.Docket@dol.gov)

Kenneth Myron Clark  
Kenneth M. Clark, PA  
301 W Central  
Wichita, Kansas 67202  
Email: [kclark@clarkpalaw.com](mailto:kclark@clarkpalaw.com)

# Exhibit H

Este documento es muy importante. Si usted no habla inglés, busque un traductor o llame al (316) 269-6644.

U.S. Department of Labor

Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
Phone: (316) 269-6644 Fax: (316) 269-6185



April 28, 2022

Dear Marcelo Contreras Villa,

On 01/26/2022, an OSHA compliance officer met with you or your representative as part of an inspection at 8588 Chris Street, Bel Aire, KS 67220. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Todd Underwood, Area Director

**Your Citation Summary**  
Marcelo Contreras Villa  
Inspection Number: 1574721

**Total Amount Due: \$108478.00**  
**Payment Due Date: 15 working days after receipt of this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 2**  
**Your First Correction Deadline is: 05/24/2022**

**Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**



I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.



**Questions or Concerns?**


If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

## Step – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

	<b>Option #1 – Discuss with OSHA</b>	I will complete by:
	1. Call (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur <b>within 15 working days</b> of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. <b>**This meeting does NOT extend your 15 working day deadline to contest the citation.**</b>	<input type="checkbox"/> ___ / ___
	2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.	<input type="checkbox"/> ___ / ___

	<b>Option #2 – Correct Violations and Pay Penalty</b>	I will complete by:		
	1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, <b>postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.</b>	<input type="checkbox"/> ___ / ___		
	2. Pay the <b>Total Penalty</b> by using one of the following methods: <b>**Include your Inspection Number (see first page) on the payment.**</b>	<input type="checkbox"/> ___ / ___		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> <i>Pay Online:</i> Search "OSHA" on <a href="http://www.pay.gov">www.pay.gov</a> and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).                             </td> <td style="width: 50%; border: none; vertical-align: top;"> <i>Pay by Check:</i> Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b> </td> </tr> </table>	<i>Pay Online:</i> Search "OSHA" on <a href="http://www.pay.gov">www.pay.gov</a> and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).	<i>Pay by Check:</i> Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b>	
<i>Pay Online:</i> Search "OSHA" on <a href="http://www.pay.gov">www.pay.gov</a> and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).	<i>Pay by Check:</i> Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b>			

	<b>Option #3 – Contest the Citation</b>	I will complete by:
	Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked <b>within 15 working days.</b>	<input type="checkbox"/> ___ / ___

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



---

## Citation and Notification of Penalty

---

**To:**  
Marcelo Contreras Villa, dba Jackson Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67216

**Inspection Number:** 1574721  
**Inspection Date(s):** 01/26/2022 - 01/26/2022  
**Issuance Date:** 04/28/2022

**Inspection Site:**  
8588 Chris Street  
Bel Aire, KS 67220

*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.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest** to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (316) 269-6644. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

A telephone informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/28/2022. The conference will be held by telephone on \_\_\_\_\_ at \_\_\_\_\_ . Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1574721**

Company Name: Marcelo Contreras Villa, dba Jackson Construction  
Inspection Site: 8588 Chris Street, Bel Aire, KS 67220  
Issuance Date: 04/28/2022

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 100 N. Broadway, Suite 470, Wichita, KS 67202.**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1574721  
**Inspection Date(s):** 01/26/2022 - 01/26/2022  
**Issuance Date:** 04/28/2022



**Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba Jackson Construction  
**Inspection Site:** 8588 Chris Street, Bel Aire, KS 67220

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

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

The employer is failing to protect employees from fall hazards of approximately 8 feet. This was most recently documented when employees engaged in residential framing activities in that fall protection was not utilized. This was most recently documented at 8588 Chris Street Bel Aire, Kansas.

Marcelo Contreras Villa dba Jackson Construction was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1508640, citation number 1, item number 8 and was affirmed as a final order on 02-18-2021, with respect to a workplace located at 5682 Pebblecreek St. Bel Aire, KS.

Marcelo Contreras Villa dba Jackson Construction was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1479528, citation number 1, item number 3a and was affirmed as a final order on 08-16-2021, with respect to a workplace located at 9744 Sunset Cir, LENEXA, KS.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: **May 24, 2022**  
Proposed Penalty: **\$63,812.00**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1574721  
**Inspection Date(s):** 01/26/2022 - 01/26/2022  
**Issuance Date:** 04/28/2022



**Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba Jackson Construction  
**Inspection Site:** 8588 Chris Street, Bel Aire, KS 67220

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

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

The employer is failing to protect employees from struck-by hazards while working below framing activities. This was most recently documented when employees engaged in ground hand activities in that head protection was not utilized. This was most recently documented at 8588 Chris Street Bel Aire, Kansas.

Marcelo Contreras Villa dba Jackson Construction was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.100(a), which was contained in OSHA inspection number 1508640, citation number 1, item number 2 and was affirmed as a final order on 02-18-2021, with respect to a workplace located at 5682 Pebblecreek St. Bel Aire, KS.

Marcelo Contreras Villa dba Jackson Construction was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.100(a), which was contained in OSHA inspection number 1508640, citation number 1, item number 3b and was affirmed as a final order on 08-16-2021, with respect to a workplace located at 9744 Sunset Cir, LENEXA, KS.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: **May 24, 2022**  
Proposed Penalty: **\$31,904.00**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1574721  
**Inspection Date(s):** 01/26/2022 - 01/26/2022  
**Issuance Date:** 04/28/2022



**Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba Jackson Construction  
**Inspection Site:** 8588 Chris Street, Bel Aire, KS 67220

**Citation 2 Item 2** Type of Violation: **Repeat - Serious**

29 CFR 1926.1053(b)(1): Where portable ladders were used for access to an upper landing surface and the ladder's length allows, the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface being accessed:

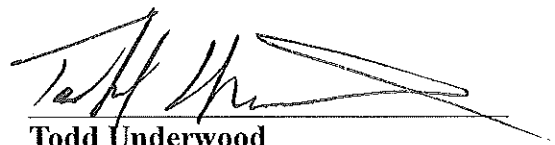
The employer is failing to protect employees from fall hazards of approximately 8 feet while accessing the working surface. This was most recently documented when employees engaged in residential framing activities in that the aluminum ladder used to access the roof did not extend 3 feet from the working surface nor was secured to the structure. This was most recently documented at 8588 Chris Street Bel Aire, Kansas.

Marcelo Contreras Villa dba Jackson Construction was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.1053(b)(1), which was contained in OSHA inspection number 1508640, citation number 1, item number 4 and was affirmed as a final order on 08-16-2021, with respect to a workplace located at 9744 Sunset Cir, LENEXA, KS.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: **May 24, 2022**  
Proposed Penalty: **\$12,762.00**

  
**Todd Underwood**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name:** Marcelo Contreras Villa, dba Jackson Construction  
**Inspection Site:** 8588 Chris Street, Bel Aire, KS 67220  
**Issuance Date:** 04/28/2022

Summary of Penalties for Inspection Number: 1574721

Citation 1 Item 1, Willful - Serious	\$63,812.00
Citation 2 Item 1, Repeat - Serious	\$31,904.00
Citation 2 Item 2, Repeat - Serious	\$12,762.00

**TOTAL PROPOSED PENALTIES:** **\$108,478.00**

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but

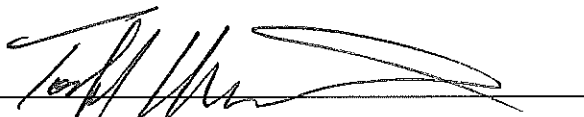
will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Todd Underwood  
Area Director

4-28-2022

Date

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**Tracking Number:** 70170530000012914420

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**USPS Tracking Plus® Available** [v](#)

### In Transit to Next Facility

May 5, 2022

Feedback

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#### Text & Email Updates [^](#)

Select what types of updates you'd like to receive and how. Send me a notification for:

**Text**

**Email**

All Below Updates

Expected Delivery Updates ⓘ

Day of Delivery Updates ⓘ

Package Delivered. ⓘ

Available for Pickup ⓘ

Delivery Exception Updates ⓘ

Package In-Transit Updates ⓘ

Enter the name and email address where you'd like to receive updates on your package:

\*Name

Michelle Lott

\*Email Address

lott.michelle@dol.gov

Add Another Email +

I have read, understand, and agree to the Terms and Conditions

Feedback

Privacy Act Statement

Your information will be used to provide you with text and email message updates, to understand the needs of customers and to improve USPS sales and marketing efforts. Collection is authorized by 39 U.S.C 401, 403, 404. Providing the information is voluntary, but if not supplied, we may not be able to fulfill your request for service or you may not be able to participate in customer experience surveys regarding your delivery experience. We do not disclose your information to third parties without your consent, except to facilitate the transaction, to act on your behalf or request, or as legally required. This includes the following limited circumstances: incident to legal proceedings that the U.S. Postal Service (USPS®) is a party to or has an interest in litigation; for law enforcement purposes when the USPS becomes aware of an actual or potential violation of law; to a congressional office in response to an inquiry; to entities or individuals under contract or agreement with USPS to fulfill a function or provide a product or service; to government agencies and other entities authorized to perform audits; to labor organizations as required by law; to a federal, state, local, or foreign government agency when necessary in connection with decisions by the requesting agency or USPS; to agencies and entities for financial matters, or to payees to facilitate or resolve issues with payment services to financial institutions; to entities or individuals for customer service purposes. For more information regarding our privacy policies, visit www.usps.com/privacypolicy. (https://www.usps.com/privacypolicy)

Get Updates

Tracking History



May 5, 2022

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

May 1, 2022, 10:42 pm  
Departed USPS Regional Origin Facility  
WICHITA KS DISTRIBUTION CENTER

April 30, 2022, 11:34 pm  
Arrived at USPS Regional Origin Facility  
WICHITA KS DISTRIBUTION CENTER

April 30, 2022, 5:11 pm  
Departed Post Office  
WICHITA, KS 67202

April 30, 2022, 11:10 am  
USPS picked up item  
WICHITA, KS 67202

Feedback

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**Product Information**



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**FAQs**

# USPS Tracking®

[FAQs >](#)

## Track Another Package +

**Tracking Number:** 70170530000012914420

[Remove X](#)

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## In Transit to Next Facility

May 2, 2022

Feedback

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**Text & Email Updates**



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**Tracking History**



May 2, 2022

In Transit to Next Facility

Your package is moving within the USPS network and is on track to be delivered to its final destination. It is currently in transit to the next facility.

May 1, 2022, 10:42 pm

Departed USPS Regional Origin Facility  
WICHITA KS DISTRIBUTION CENTER

April 30, 2022, 11:34 pm

Arrived at USPS Regional Origin Facility

5/3/22, 5:03 PM

USPS.com® - USPS Tracking® Results

WICHITA KS DISTRIBUTION CENTER

April 30, 2022, 5:11 pm  
Departed Post Office  
WICHITA, KS 67202

April 30, 2022, 11:10 am  
USPS picked up item  
WICHITA, KS 67202

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**USPS Tracking Plus®**



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**Product Information**



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**See Less** ^

Feedback

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

# Exhibit I

UNITED STATES OF AMERICA  
 OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

-----  
 SECRETARY OF LABOR,  
 UNITED STATES DEPARTMENT OF LABOR,

Complainant,

OSHRC DOCKET  
 NOS. 22-0631

v.

MARCELO CONTRERAS VILLA  
 d/b/a Jackson Construction,

Respondent.

-----  
 OSHA INSPECTION NOS. 1574721

STIPULATION AND SETTLEMENT AGREEMENT

The Secretary of Labor, United States Department of Labor, hereinafter referred to as the “Secretary,” and Marcelo Contreras Villa, d/b/a Jackson Construction, hereinafter referred to as “Respondent,” stipulate and agree as follows:

1. Based on a reevaluation of the evidence and a reconsideration of the statutory factors on which the proposed penalties are determined, the Secretary hereby amends the citations as follows:

Citation	Item	Standard	Proposed Penalties	Amended Penalties	Other Amendments
1	1	1926.501(b)(13)	\$63,812	\$14,676.76	
2	1	1926.100(a)	\$31,904	\$7,976	
2	2	1926.1053(b)(1)	\$12,762	\$3,190	

**Total Amended Penalty: \$25,843.26**

The Citation and notifications of proposed penalties are deemed amended accordingly. Respondent will comply with all applicable abatement verification provisions of 29 C.F.R. § 1903.19, including but not limited to, all certification, documentation, and posting requirements. Abatement certification shall be accomplished within 10 calendar days after the abatement date by e-mailing a letter to the Wichita Area Office: [complaints.fl35@dol.gov](mailto:complaints.fl35@dol.gov) stating that abatement has been completed, the date and method of abatement, and that affected

employees and their representatives have been informed of the abatement. Any required abatement documentation shall be submitted along with the abatement certification.

2. Respondent hereby withdraws its notice of contest to the citation and the proposed penalties, as amended herein. In support of its withdrawal, Respondent states:

a. That abatement of all items of all citations of inspection 1574721 will be accomplished within 30 days of the date of this Agreement, which shall be the final abatement date for said items. Any required abatement documentation shall be submitted along with the abatement certification;

b. Respondent agrees to the following enhanced abatement:

(i) Respondent will request a free safety and health consultation from the Kansas Department of Labor, <https://www.dol.ks.gov/ish>, within 30 days of the date of this Agreement and will implement all recommendations by the Kansas Department of Labor within 15 days of the consultation;

(ii) Respondent and any foreman will attend an OSHA-10 course within 30 days of the date of this Agreement and will send a certificate of completion to the Area Office within 10 days of completing the course;

(iii) Respondent will translate its fall protection and disciplinary programs into a language spoken and understood by its employees and provide a copy of reach program to each employee.

(iv) Respondent will provide training to all employees in the language spoken and understood by each employee, on the Respondent's fall protection and disciplinary programs within 30 days of the date of this Agreement and will send confirmation this training has been completed to the Area Office within 10 days of completing the training;

(v) Respondent agrees to notify the Wichita Area OSHA Office, by electronic mail at [complaints.fl35@dol.gov](mailto:complaints.fl35@dol.gov) every Monday morning excluding Federal Holidays, with a list of future or ongoing jobsites for that week. This requirement will last for one year commencing from the date this agreement is signed. The Wichita Area OSHA Office reserves the right to perform unannounced safety and health inspections on those jobsites.

Nothing in this paragraph shall be deemed to lessen or modify Respondent's duties and obligations under the Occupational Safety and Health Act or the standards and regulations promulgated thereunder;

c. That affected employees are not represented by an authorized employee representative, and, therefore, a copy of this Stipulation and Settlement Agreement will be posted at Respondent's workplace on April 1, 2023, at respondent's active jobsite where it may be viewed by its employees. The Agreement will remain posted for 14 days;

3. Respondent agrees any Settlement Agreement, and the terms thereof, including the Citations, proposed penalties and the abatement measures and dates as amended therein, shall become a Final Order of the Commission and shall be enforceable under Section 11(b) of the Act, 29 U.S.C. § 660(b). Respondent will not oppose the entry of such order by the U.S. Court of Appeals, nor will it interpose any defense to such an order alleging any infirmities concerning the Citations related to these inspections, or the terms of this Agreement.

4. Respondent shall tender payment of the total amount of **\$25,843.26** to the Secretary's representatives at the OSHA Wichita Area Office, or electronically at [www.pay.gov](http://www.pay.gov). Respondent will make twenty-four (24) monthly installments of the amended penalty as outlined in Paragraph 1, on the first of each month beginning the month after the date of this Agreement, in the amount of **\$1,076.80**.

a. Failure to make any payment when due will cause the remaining balance to become immediately due and payable.

b. The parties agree that any unpaid balance under this agreement is a debt owing to the United States and is subject to the Debt Collection Act of 1982 (Public Law 97-365) and the Debt Collection Improvement Act of 1996, 31 U.S.C. §§ 3701-3719.

c. In addition to the payments outlined in paragraph (c)(ii), Respondent will continue his current monthly payment of \$366.00 under the settlement agreement addressing inspection 1508640, and \$340.20 under the settlement agreement addressing inspection numbers 15120571, 1517561, 1518134, 1518763.

5. By entering into this Agreement, Respondent affirms that the financial documents and information submitted to OSHA are a true, accurate and complete disclosure of its assets and that it is in fact presently unable to pay the full penalty. Respondent specifically acknowledges that Complainant expressly relied upon the information provided in the financial documents in entering into this Agreement and that the submission of truthful financial documents and information to Complainant and affirmation of the truthfulness of the documents and information

is a necessary and material condition precedent to Complainant's agreement to the terms reflected herein in this Agreement.

6. Payment of any outstanding balance of the original combined penalties will become immediately due and payable in the event that:

a. Any installment is more than fifteen (15) days past due of the specified due date; or

b. Respondent either withheld material information or provided material information in the financial documents referenced above in paragraph 4 that was false.

7. Respondent takes the position that for purposes of actions other than actions or proceedings under the provisions of the Occupational Safety and Health Act of 1970, nothing contained herein shall be deemed an admission by Respondent that Respondent violated the Act or its regulations or standards.

8. The Secretary and Respondent agree that based on the foregoing representations of Respondent, an Order Terminating Proceedings of the Commission may be entered of record. The Respondent withdraws its notice of contest, and agrees that the citation(s), penalties, and abatement measures (as set forth and amended herein by this Agreement) shall become a final order of the Commission on the same date that the Order Terminating Proceeding becomes a final order, as set forth in the Notice of Docketing issued by the Executive Secretary of the Commission.

9. Further, each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding, including but not limited to, attorney's fees, costs, and other expenses which may be available under the Equal Access to Justice Act (5 U.S.C. § 504), as amended.

Dated this 6 day of <sup>March</sup>~~February~~, 2023.

Seema Nanda  
Solicitor of Labor

Christine Z. Heri  
Regional Solicitor

Evert H. Van Wijk  
Associate Regional Solicitor

/s/ Marcelo Contreras v.  
Marcelo Contreras Villa  
3232 S. Clifton Ave, Lot 64  
Wichita KS 67202

Kenneth M. Clark  
Kenneth M. Clark  
Kenneth M. Clark, P.A.  
301 West Central  
Wichita, KS 67202  
(T) 316.260.6538  
[kclark@clarkpalaw.com](mailto:kclark@clarkpalaw.com)

Attorney for Respondent

/s/ Elaine Smith  
Elaine M. Smith  
Trial Attorney

2300 Main Street, Suite 10100  
Kansas City, MO 64108  
(816) 285-7262  
(816) 285-7287 (fax)  
[smith.elaine.m@dol.gov](mailto:smith.elaine.m@dol.gov)

Attorneys for Secretary of Labor  
U.S. Department of Labor

NOTICE TO EMPLOYEES OR EMPLOYEE REPRESENTATIVE

The attached Stipulation and Settlement Agreement has been entered into by the parties hereto. The parties will file a joint Notification of Settlement to the Occupational Safety and Health Review Commission requesting an Order Terminating Proceeding. The Agreement will remain posted until the Court issues an Order Terminating Proceedings of the Commission or for 14 days from signing. If you have any comments on the Stipulation and Settlement Agreement, you may submit them within 14 days of service or posting to:

Christopher Helms  
Administrative Law Judge  
Occupational Safety and Health Review Commission  
U.S. Custom House  
721 19th Street, Room 404  
Denver, CO 80202-2517  
Phone: (303) 844-3409  
Fax: (303) 844-3759

A copy of such comments should also be sent to:

Evert H. Van Wijk  
Associate Regional Solicitor  
U.S. Department of Labor  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108

Posted this 1 day of April, 2023.

# Exhibit J



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
U.S. Custom House  
721 19<sup>th</sup> Street, Room 407  
Denver, Colorado 80202

Phone: (303) 844-2284

Fax: (303) 844-3759

## Notice of Order and Report

### In Reference To:

**Secretary of Labor v.** MARCELO CONTRERAS VILLA, dba JACKSON CONSTRUCTION

**OSHRC Docket No.** 22-0631

1. *Judge's report.* The enclosed Order Terminating Proceeding acknowledges that the parties have resolved certain contested citation items and proposed penalties and agreed to terminate the proceeding before the Commission in whole (or in part) by filing a Notification of Settlement (or a Notification of Partial Settlement) pursuant to Commission Rule 100, 29 C.F.R. § 2200.100. The Order Terminating Proceeding, together with all other items comprising the record, shall be sent promptly to the Commission's Executive Secretary for docketing, and shall constitute the report of this Administrative Law Judge pursuant to section 12(j) of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. § 661(j).
2. *Commission final order.* The Order Terminating Proceeding shall become a final order of the Commission thirty (30) days from the date of its docketing by the Executive Secretary, unless review thereof is directed by a Commission member within that time. *See* section 12(j) of the Act; Commission Rule 90(f), 29 C.F.R. § 2200.90(f).
3. *Correction of errors in the Judge's report.* Requests to correct clerical errors arising through oversight or inadvertence in the Order Terminating Proceeding or in other parts of the Judge's report shall be filed, by motion, with the undersigned Judge, pursuant to Commission Rule 90(b)(4)(i), 29 C.F.R. § 2200.90(b)(4)(i). Motions shall conform to Commission Rule 40, 29 C.F.R. § 2200.40.
4. *Filing with Executive Secretary.* Except for motions filed to correct errors in the Judge's report, discussed in paragraph 3 above, on or after the date that the Executive Secretary docketed the Judge's report all items, including motions, shall be filed with the Executive Secretary at the address noted below. *See* Commission Rule 90(d), 29 C.F.R. § 2200.90(d).

**Executive Secretary  
Occupational Safety and Health Review Commission  
One Lafayette Centre  
1120 20th Street NW, Suite 980  
Washington, D.C. 20036-3457**

Dated: April 18, 2023  
Denver, Colorado

*/s/ Christopher D. Helms*

---

Christopher D. Helms  
Administrative Law Judge, OSHRC



United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
U.S. CUSTOM HOUSE  
721 19<sup>TH</sup> STREET, ROOM 407  
DENVER, COLORADO 80202-2517

SECRETARY OF LABOR,

Complainant,

v.

MARCELO CONTRERAS VILLA, dba  
JACKSON CONSTRUCTION,

Respondent.

OSHRC DOCKET NO. 22-0631

**ORDER TERMINATING PROCEEDING**

The parties have filed a Joint Notification of Settlement acknowledging the parties have resolved all contested citation items and agreed to terminate the proceeding before the Commission.

IT IS ORDERED this proceeding is TERMINATED pursuant to Commission Rule 100(b)(3); 100(c).

This Order Terminating Proceeding shall become a final Order of the Commission thirty (30) days from the date of its docketing by the Executive Secretary, unless a Commission Member directs review of the order within that time. *See* 29 U.S.C. § 661(j); Commission Rule 90(f).

SO ORDERED.

Dated: April 18, 2023

*/s/ Christopher D. Helms*

Christopher D. Helms  
Judge, OSHRC

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the Notice of Order and Report and the Order Terminating Proceedings was sent electronically to the parties listed below on April 18, 2023.

Elaine M. Smith, Esq.  
Jeffrey Mendoza, Esq.  
U.S. Department of Labor  
Office of the Solicitor  
Two Pershing Square Building  
2300 Main Street, Suite 1020  
Kansas City, Missouri 64108  
smith.elaine.m@dol.gov  
mendoza.jeffrey@dol.gov  
sol.kc.docket@dol.gov

Kenneth M. Clark, Esq.  
Kenneth M. Clark, P.A.  
301 West Central  
Wichita, Kansas 67202  
kclark@clarkpalaw.com

*/s/ Kate Sydney*

---

Kate Sydney, Legal Assistant  
Post Office Address:  
Judge Christopher D. Helms  
U.S. Custom House  
OSHRC  
721 19<sup>th</sup> Street, Suite 407  
Denver, Colorado 80202  
(303) 844-2284 – Direct Dial  
(303) 844-3759 – Facsimile  
Email: ksydney@oshrc.gov

# **Exhibit K**

United States of America  
**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**  
1120 20th Street, N.W., Ninth Floor  
Washington, DC 20036-3457

Phone: (202) 606-5400  
Fax: (202) 606-5050

Secretary of Labor,  
Complainant,

v.  
Marcelo Contreras Villa, dba Jackson Construction,

Region: 7  
OSHRC Docket No. 22-0631

Respondent.

OSHA Inspection No. 1574721

**Notice of Docketing of Administrative Law Judge's Decision**

The Administrative Law Judge's Report in the above referenced case was docketed with the Commission on 05/02/2023. The decision of the Judge will become a final order of the Commission on 06/01/2023 unless a Commission member directs review of the decision on or before that date.

Any party desiring review of the Judge's decision by the Commission must file a petition for discretionary review. Any such petition must be received by the Executive Secretary on or before 05/22/2023 in order to permit sufficient time for its review. See Commission Rule 91, 29 C.F.R. 2200.91. All further pleadings or communications regarding this case shall be addressed to the Executive Secretary with a copy to the DOL Solicitor at the address below.

**Executive Secretary**  
**Occupational Safety and Health Review**  
**Commission**  
1120 20th St., N.W., Suite 980  
Washington, D.C. 20036-3419

**Louise M. Betts, Counsel for Appellate Litigation**  
**Heather R. Phillips, Counsel for Appellate Litigation**  
**Office of the Solicitor, U.S. DOL**  
**Room S4004**  
**200 Constitution Avenue, N.W.**  
**Washington, D.C. 20210**

If directed for Review by the Commission, then the Counsel for Appellate Litigation will represent the Department of Labor. If you have questions, please contact the Executive Secretary's Office at (202) 606-5400.

John X. Cerveny  
Executive Secretary

Date: 05/02/2023

/s/

Sontia Myles, Legal Clerk

This notice has been sent to:

Elaine M Smith, Esquire  
Office of the Solicitor, U.S. DOL  
2300 Main Street, Suite 10100  
Kansas City, Missouri 64108

Kenneth Myron Clark  
Kenneth M. Clark, PA  
301 W Central  
Wichita, Kansas 67202

# Exhibit L

**Este documento es muy importante. Si ud. No habla inglés, busque un traductor o llame al (316) 269-6644.**

**U.S. Department of Labor**

Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
Phone: (316) 269-6644 Fax: (316) 269-6185



June 27, 2023

Dear Marcelo Contreras Villa,

On 04/19/2023, an OSHA compliance officer met with you or your representative as part of an inspection at 8585 Chris St., Bel Aire, KS 67226. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

**TODD UNDERWOOD**

Digitally signed by TODD UNDERWOOD  
Date: 2023.06.27 16:47:45 -05'00'

Todd Underwood, Area Director

**Your Citation Summary**  
Marcelo Contreras Villa  
Inspection Number: 1664494

**Total Amount Due: \$108042.00**  
**Payment Due Date: 15 working days after receipt of this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 2**  
**Your First Correction Deadline is: 07/24/2023**

**Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**



I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.



**Questions or Concerns?**


If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

<b>Option #1 – Discuss with OSHA</b>		I will complete by:
	1. Call (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur <b>within 15 working days</b> of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. <b>**This meeting does NOT extend your 15 working day deadline to contest the citation.**</b>	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/> / <input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>
	2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/> / <input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>

<b>Option #2 – Correct Violations and Pay Penalty</b>		I will complete by:		
	1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, <b>postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.</b>	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/> / <input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>		
	2. Pay the <b>Total Penalty</b> by using one of the following methods: <b>**Include your Inspection Number (see first page) on the payment.**</b>	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/> / <input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding-right: 20px;"> <i>Pay Online:</i> Search “OSHA” on <a href="http://www.pay.gov">www.pay.gov</a> and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).                             </td> <td style="width: 50%; vertical-align: top;"> <i>Pay by Check:</i> Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b> </td> </tr> </table>	<i>Pay Online:</i> Search “OSHA” on <a href="http://www.pay.gov">www.pay.gov</a> and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).	<i>Pay by Check:</i> Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b>	
<i>Pay Online:</i> Search “OSHA” on <a href="http://www.pay.gov">www.pay.gov</a> and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).	<i>Pay by Check:</i> Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b>			

<b>Option #3 – Contest the Citation</b>		I will complete by:
	Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within <b>15 working days.</b>	<input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/> / <input style="width: 40px; height: 30px; border: 1px solid black;" type="text"/>

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



## Citation and Notification of Penalty

**To:**  
Marcelo Contreras Villa, dba DGO Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67216

**Inspection Number:** 1664494  
**Inspection Date(s):** 04/19/2023 - 04/19/2023  
**Issuance Date:** 06/27/2023

**Inspection Site:**  
8585 Chris St.  
Bel Aire, KS 67226

*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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (316) 269-6644. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

A telephone informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/27/2023. The conference will be held by telephone on \_\_\_\_\_ at \_\_\_\_\_ . Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1664494**

Company Name: Marcelo Contreras Villa, dba DGO Construction  
Inspection Site: 8585 Chris St., Bel Aire, KS 67226  
Issuance Date: 06/27/2023

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 100 N. Broadway, Suite 470, Wichita, KS 67202.**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1664494  
**Inspection Date(s):** 04/19/2023 - 04/19/2023  
**Issuance Date:** 06/27/2023



### **Citation and Notification of Penalty**

**Company Name: Marcelo Contreras Villa, dba DGO Construction**  
**Inspection Site: 8585 Chris St., Bel Aire, KS 67226**

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#### Citation 1 Item 1 Type of Violation: **Willful - Serious**

**29 CFR 1926.501(b)(13):**Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph **1926.501 (b):**

The employer is failing to protect employees from fall hazards of approximately 8 feet. This was most recently documented on April 19, 2023 at 8585 Chris Street Bel Aire, Kansas when employees engaged in residential framing activities were not using fall protection.

**Marcelo Contreras Villa** was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number **1518763**, citation number **2**, item number **2** and was affirmed as a final order on **08-08-2022**, with respect to a workplace located at **2509 Spring Hollow Wichita, Kansas.**

**Marcelo Contreras Villa** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **1926.501(b)(13)**, which was contained in OSHA inspection number **1517561**, citation number **1**, item number **1** and was affirmed as a final order on **08-08-2022**, with respect to a workplace located at **2307 S Chateau, Wichita, KS.**

**Marcelo Contreras Villa** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **1926.501(b)(13)**, which was contained in OSHA inspection number **1508640**, citation number **1**, item number **7** and was affirmed as a final order on **04-19-2021**, with respect to a workplace located at **5682 Pebblecreek St. Bel Aire, KS.**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1664494  
**Inspection Date(s):** 04/19/2023 - 04/19/2023  
**Issuance Date:** 06/27/2023



**Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba DGO Construction  
**Inspection Site:** 8585 Chris St., Bel Aire, KS 67226

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Marcelo Contreras Villa was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1479528, citation number 1, item number 3-a and was affirmed as a final order on 08-16-2021, with respect to a workplace located at 9744 Sunset Cir. Lenexa, KS.

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

July 24, 2023  
\$68,754.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1664494  
**Inspection Date(s):** 04/19/2023 - 04/19/2023  
**Issuance Date:** 06/27/2023



### **Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba DGO Construction  
**Inspection Site:** 8585 Chris St., Bel Aire, KS 67226

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#### Citation 2 Item 1 Type of Violation: **Repeat - Serious**

**29 CFR 1926.1053(b)(1):** Where (a) portable ladder(s) was/were used for access to an upper level landing surface and the ladder's length did not allow the ladder side rails to extend at least 3 feet (0.9 m) above the upper landing surface being accessed, the ladder was not secured at its top to a rigid support that will not deflect, and/or a grasping device was not provided to assist employees in mounting and dismounting the ladder.

The employer is failing to protect employees from fall hazards of approximately 8 feet while accessing the upper working surface. This was most recently documented at **8585 Chris Street Bel Aire, Kansas** when employees engaged in residential framing activities were using an extension ladder to access the upper working area which did not extend 3 feet beyond the upper working surface nor was secured to the structure.

**Marcelo Contreras Villa** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **1926.1053(b)(1)**, which was contained in OSHA inspection number **1518763**, citation number **1**, item number **2** and was affirmed as a final order on **08-08-2022**, with respect to a workplace located at **2509 Spring Hollow Wichita, Kansas**.

**Marcelo Contreras Villa** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **1926.1053(b)(1)**, which was contained in OSHA inspection number **1517561**, citation number **1**, item number **2** and was affirmed as a final order on **08-08-2022**, with respect to a workplace located at **2307 S Chateau, Wichita, KS**.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1664494  
**Inspection Date(s):** 04/19/2023 - 04/19/2023  
**Issuance Date:** 06/27/2023



**Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba DGO Construction  
**Inspection Site:** 8585 Chris St., Bel Aire, KS 67226

**Marcelo Contreras Villa** was previously cited for a violation of this occupational safety and health standard or its equivalent standard **1926.1053(b)(1)**, which was contained in OSHA inspection number **1479528**, citation number **1**, item number **4** and was affirmed as a final order on **08-16-2021**, with respect to a workplace located at **9744 Sunset Cir. Lenexa, KS.**

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

July 24, 2023  
\$39,288.00

**TODD  
UNDERWOOD**

Digitally signed by  
TODD UNDERWOOD  
Date: 2023.06.27  
16:48:06 -05'00'

**Todd Underwood**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: Marcelo Contreras Villa, dba DGO Construction**  
**Inspection Site: 8585 Chris St., Bel Aire, KS 67226**  
**Issuance Date: 06/27/2023**

Summary of Penalties for Inspection Number: 1664494

Citation 1 Item 1, Willful - Serious	\$68,754.00
Citation 2 Item 1, Repeat - Serious	\$39,288.00

**TOTAL PROPOSED PENALTIES: **\$108,042.00****

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.


Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

**TODD UNDERWOOD**

 Digitally signed by TODD UNDERWOOD  
Date: 2023.06.27 16:48:28 -05'00'

**Todd Underwood**

Date

Area Director

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature</p> <p><b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Number</p> <p><b>Marcelo Contreras Villa, dba DGO Construction and its successors 3232 S Clifton Ave, Lot 64 Wichita, KS 67216 #1664494</b></p> <p>9590 9402 7384 2028 7473 90</p>	<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p><b>7017 0530 0000 1291 1214</b></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, print delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;"><b>RECEIVED</b> <b>WICHITA AREA OFFICE</b> <b>JUL 06 2023</b> <b>US DEPT OF LABOR</b> <b>OSHA WICHITA KS</b></p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p style="text-align: right;">Domestic Return Receipt</p>

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

<p>Certified Mail Fee \$</p> <p>Extra Services &amp; Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$</p> <p><input type="checkbox"/> Return Receipt (electronic) \$</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$</p> <p><input type="checkbox"/> Adult Signature Required \$</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$</p>	<p><b>marcelo Contreras Villa</b></p> <p style="text-align: center; font-size: 0.8em;">Postmark</p> <p><b>#1664494</b></p>
<p>Postage \$</p> <p>Total Postage and Fees \$</p>	
<p>Sent To <b>mailed 4128</b></p> <p>Street and Apt. No., or PO Box No.</p> <p>City, State, ZIP+4®</p>	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

# USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

## 70170530000012911214

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

### Latest Update

Your item has been delivered to an agent for final delivery in WICHITA, KS 67216 on July 3, 2023 at 10:57 am.

#### Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Feedback

#### Delivered to Agent

**Delivered to Agent for Final Delivery**

WICHITA, KS 67216  
July 3, 2023, 10:57 am

#### Notice Left (No Authorized Recipient Available)

WICHITA, KS 67216  
July 1, 2023, 9:46 am

#### In Transit to Next Facility

June 30, 2023

#### Departed USPS Regional Origin Facility

WICHITA KS DISTRIBUTION CENTER  
June 29, 2023, 10:40 pm

#### Arrived at USPS Regional Origin Facility

WICHITA KS DISTRIBUTION CENTER  
June 28, 2023, 10:48 pm

#### USPS picked up item

WICHITA, KS 67202

June 28, 2023, 2:10 pm

Hide Tracking History

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

# **Exhibit M**

**Este documento es muy importante. Si ud. No habla inglés, busque un traductor o llame al (316) 269-6644.**

**U.S. Department of Labor**

Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
Phone: (316) 269-6644 Fax: (316) 269-6185



June 28, 2023

Dear Marcelo Contreras Villa,

On 06/09/2023, an OSHA compliance officer met with you or your representative as part of an inspection at 5430 N Gray, Park City, KS 67219. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

**TODD UNDERWOOD**

Digitally signed by TODD UNDERWOOD  
Date: 2023.06.28 14:16:49 -05'00'

Todd Underwood, Area Director

**Your Citation Summary**  
Marcelo Contreras Villa  
Inspection Number: 1675902

**Total Amount Due: \$68754.00**

**Payment Due Date: 15 working days after receipt of this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations: 1**

**Your First Correction Deadline is: 07/25/23**

**Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**



I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.



**Questions or Concerns?**


If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

<b>Option #1 – Discuss with OSHA</b>		I will complete by:
	1. Call: (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur <b>within 15 working days</b> of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. <b>**This meeting does NOT extend your 15 working day deadline to contest the citation.**</b>	<input style="width: 40px; height: 20px;" type="text"/> / <input style="width: 40px; height: 20px;" type="text"/>
	2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.	<input style="width: 40px; height: 20px;" type="text"/> / <input style="width: 40px; height: 20px;" type="text"/>

<b>Option #2 – Correct Violations and Pay Penalty</b>		I will complete by:		
	1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, <b>postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.</b>	<input style="width: 40px; height: 20px;" type="text"/> / <input style="width: 40px; height: 20px;" type="text"/>		
	2. Pay the <b>Total Penalty</b> by using one of the following methods: <b>**Include your Inspection Number (see first page) on the payment.**</b>	<input style="width: 40px; height: 20px;" type="text"/> / <input style="width: 40px; height: 20px;" type="text"/>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding-right: 20px;"> <i>Pay Online:</i> Search “OSHA” on <a href="http://www.pay.gov">www.pay.gov</a> and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).                 </td> <td style="width: 50%; vertical-align: top;"> <i>Pay by Check:</i> Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b> </td> </tr> </table>	<i>Pay Online:</i> Search “OSHA” on <a href="http://www.pay.gov">www.pay.gov</a> and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).	<i>Pay by Check:</i> Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b>	
<i>Pay Online:</i> Search “OSHA” on <a href="http://www.pay.gov">www.pay.gov</a> and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) <b>within 15 working days.</b> Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).	<i>Pay by Check:</i> Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page <b>within 15 working days.</b>			

<b>Option #3 – Contest the Citation</b>		I will complete by:
	Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within <b>15 working days.</b>	<input style="width: 40px; height: 20px;" type="text"/> / <input style="width: 40px; height: 20px;" type="text"/>

## U.S. Department of Labor

Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



# Citation and Notification of Penalty

**To:**

Marcelo Contreras Villa, dba DGO Construction  
and its successors  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67216

**Inspection Number:** 1675902**Inspection Date(s):** 06/09/2023 - 06/12/2023**Issuance Date:** 06/28/2023**Inspection Site:**

5430 N Gray  
Park City, KS 67219

*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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (316) 269-6644. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

A telephone informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/28/2023. The conference will be held by telephone on \_\_\_\_\_ at \_\_\_\_\_ . Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1675902**

Company Name: Marcelo Contreras Villa, dba DGO Construction  
Inspection Site: 5430 N Gray, Park City, KS 67219  
Issuance Date: 06/28/2023

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 100 N. Broadway, Suite 470, Wichita, KS 67202.**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1675902  
**Inspection Date(s):** 06/09/2023 - 06/12/2023  
**Issuance Date:** 06/28/2023



## **Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba DGO Construction  
**Inspection Site:** 5430 N Gray, Park City, KS 67219

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### Citation 1 Item 1 Type of Violation: **Willful - Serious**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system, nor were employee(s) provided with an alternative fall protection measure under another provision of paragraph 1926.501 (b):

The employer is failing to protect employees from fall hazards of approximately 10 feet 4 inches. This was most recently documented on June 9, 2023 at 5430 N Gray Park City, Kansas when employees engaged in residential framing activities were not using fall protection.

Marcelo Contreras Villa was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1518763, citation number 2, item number 2 and was affirmed as a final order on 08-08-2022, with respect to a workplace located at 2509 Spring Hollow Wichita, Kansas.

Marcelo Contreras Villa was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1517561, citation number 1, item number 1 and was affirmed as a final order on 08-08-2022, with respect to a workplace located at 2307 S Chateau, Wichita, KS.

Marcelo Contreras Villa was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1508640, citation number 1, item number 7 and was affirmed as a final order on 04-19-2021, with respect to a workplace located at 5682 Pebblecreek St. Bel Aire, KS.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1675902  
**Inspection Date(s):** 06/09/2023 - 06/12/2023  
**Issuance Date:** 06/28/2023



**Citation and Notification of Penalty**

**Company Name:** Marcelo Contreras Villa, dba DGO Construction  
**Inspection Site:** 5430 N Gray, Park City, KS 67219

Marcelo Contreras Villa was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1926.501(b)(13), which was contained in OSHA inspection number 1479528, citation number 1, item number 3-a and was affirmed as a final order on 08-16-2021, with respect to a workplace located at 9744 Sunset Cir. Lenexa, KS.

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

July 25, 2023  
\$68,754.00

**TODD UNDERWOOD**  
Digitally signed by  
TODD UNDERWOOD  
Date: 2023.06.28  
14:17:20 -05'00'

**Todd Underwood**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name: Marcelo Contreras Villa, dba DGO Construction**  
**Inspection Site: 5430 N Gray, Park City, KS 67219**  
**Issuance Date: 06/28/2023**

Summary of Penalties for Inspection Number: 1675902

Citation 1 Item 1, Willful - Serious \$68,754.00

**TOTAL PROPOSED PENALTIES: \$68,754.00**

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.


Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

**TODD UNDERWOOD**

 Digitally signed by TODD UNDERWOOD  
Date: 2023.06.28 14:17:41 -05'00'

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**Todd Underwood**

Date

Area Director

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<p>1. Complete items 1, 2, and 3.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece.</p> <p>1. Marcelo Contreras Villa, dba DGO Construction and its successors 3232 S Clifton Ave, Lot 64 Wichita, KS 67216 1675902</p>  <p>9590 9402 7935 2305 7852 28</p>	<p>A. Signature <i>X Marcelo Contreras Villa</i></p> <p>B. Received by (Printed Name) <i>Marcelo Contreras Villa</i></p> <p>C. Date of Delivery <i>7-3-23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>WICHITA OSHA OFFICE</i></p> <p>JUL 06 2023</p> <p>US DEPT OF LABOR OSHA WICHITA KS</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>9589 0710 5270 0642 8101 18</p>		
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

9589 0710 5270 0642 8101 18

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To  
Street and Apt. No., or PO Box No.  
City, State, ZIP+4®

*Marcello Contreras*  
*Here*  
*#1675902*

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

# USPS Tracking®

FAQs >

Tracking Number:

Remove X

## 9589071052700642810118

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item has been delivered to an agent for final delivery in WICHITA, KS 67216 on July 3, 2023 at 10:57 am.

#### Get More Out of USPS Tracking:

**USPS Tracking Plus®**

Feedback

#### Delivered to Agent

**Delivered to Agent for Final Delivery**

WICHITA, KS 67216  
July 3, 2023, 10:57 am

#### Notice Left (No Authorized Recipient Available)

WICHITA, KS 67216  
July 1, 2023, 9:46 am

#### Departed USPS Regional Origin Facility

WICHITA KS DISTRIBUTION CENTER  
June 30, 2023, 10:52 pm

#### In Transit to Next Facility

June 30, 2023

#### Arrived at USPS Regional Origin Facility

WICHITA KS DISTRIBUTION CENTER  
June 29, 2023, 11:35 pm

#### USPS picked up item

WICHITA, KS 67202

June 29, 2023, 2:17 pm

● Hide Tracking History

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

**U.S. Department of Labor**  
Washington, DC 20210

200 Constitution Avenue, NW



March 7, 2024

**By Electronic Mail**

Karen Phillips  
U.S. Court of Appeals for the Tenth Circuit  
[karen\\_phillips@ca10.uscourts.gov](mailto:karen_phillips@ca10.uscourts.gov)

Re: *Julie A. Su, Acting Secretary of Labor v. Marcelo Contreras Villa dba Jackson Construction dba DGO Construction*  
Petition for Summary Enforcement

Dear Ms. Phillips,

Pursuant to Federal Rule of Appellate Procedure 15(c)(2) and Local Rule 15.2, the undersigned counsel writes to provide the court with a list of respondents requiring service of the Acting Secretary of Labor's Petition for Summary Enforcement against Respondent Marcelo Contreras Villa dba Jacksonson Construction dba DGO Construction, which was filed electronically this afternoon.

To the best of my knowledge, the mailing address for Respondent is:

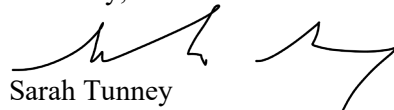
Marcelo Contreras Villa  
3232 S Clifton Ave, Lot 64  
Wichita, KS 67201

Additionally, Respondent's attorney of record during proceedings before the Occupational Safety and Health Review Commission was:

Kenneth Myron Clark  
Kenneth M. Clark, PA  
301 W Central  
Wichita, KS 67202  
Email: [kclark@clarkpalaw.com](mailto:kclark@clarkpalaw.com)

Thank you for your assistance.

Sincerely,

  
Sarah Tunney

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157  
Clerk@ca10.uscourts.gov

Christopher M. Wolpert  
Clerk of Court

Jane K. Castro  
Chief Deputy Clerk

March 07, 2024

Ms. Sarah Marie Tunney  
U.S. Department of Labor  
Office of the Solicitor  
200 Constitution Avenue NW, Room N-2119  
Washington, DC 20210

**RE: 24-9506, OSHA v. Villa**  
Dist/Ag docket: 1518134

Dear Counsel:

Your application for enforcement has been docketed, and the case number is above. **Within 14 days** from the date of this letter, Petitioner's counsel must electronically file:

- **An entry of appearance** per 10th Cir. R. 46.1(A).

**Also within 14 days**, Appellee's counsel must electronically file an entry of appearance. **Attorneys that do not enter an appearance within the specified time frame will be removed from the service list.**

In addition, any counselled entities that are required to file a Federal Rule of Appellate Procedure 26.1 disclosure statement must do so **within 14 days of the date of this letter**. All parties must refer to Federal Rule of Appellate Procedure 26.1 and Tenth Circuit Rule 26.1 for applicable disclosure requirements. All parties required to file a disclosure statement must do so even if there is nothing to disclose. Rule 26.1 disclosure statements must be promptly updated as necessary. *See* 10th Cir. R. 26.1(A).

**Within 21 days** of the date of this letter, respondent must file an answer to the application for enforcement. If respondent fails to file an answer within that time, judgment will be awarded for the relief prayed. *See* Fed. R. App. P. 15(b)(2).

The [Federal Rules of Appellate Procedure](#), the [Tenth Circuit Rules](#), and [forms](#) for the aforementioned filings are on the court's [website](#). The Clerk's Office has also created a set of [quick reference guides](#) and [checklists](#) that highlight procedural requirements for appeals filed in this court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal flourish extending to the right.

Christopher M. Wolpert  
Clerk of Court

cc: Kenneth M. Clark  
Marcello Contreras Villa

CMW/klp