

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

EUGENE SCALIA,
SECRETARY OF LABOR,

Petitioner,

v.

THE ROOF KINGS, LLC,

Respondent.

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: No. 18-1425
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PETITION FOR JUDGMENT OF CIVIL CONTEMPT

Pursuant to section 11(b) of the Occupational Safety and Health Act of 1970 (OSH Act), 29 U.S.C. § 660(b), the Secretary of Labor¹ petitions this Court to adjudge The Roof Kings, LLC (Roof Kings) and its agent and owner, Craig Galligan, to be in civil contempt of this Court’s October 18, 2018 judgment. See Judgment, attached as Exhibit 1. A proposed order finding civil contempt is attached to this petition.

BACKGROUND

This proceeding arises from four separate OSHA inspections conducted from November 2013 through August 2016 in the greater Boston, MA area, where

¹ The current Secretary of Labor, Eugene Scalia, is automatically substituted for the former Secretary, R. Alexander Acosta, pursuant to Fed. R. App. P. 43(c)(2).

Roof Kings conducts business as a roofing contractor. Following each inspection, OSHA issued citations to Roof Kings, alleging violations including failing to ensure that portable ladders extended three feet beyond the landing surface and to provide both fall protection and training on fall hazards. See Petition for Summary Enforcement of a Final Order of the Occupational Safety and Health Review Commission, attached as Exhibit 2. Roof Kings timely contested the citations arising out of one of the four inspections. On July 27, 2017, the Secretary and Roof Kings executed a settlement agreement resolving thirty-two citations and penalties arising from all four inspections. The settlement agreement required Roof Kings to provide abatement certification for the citations affirmed in the settlement agreement; take specific actions to enhance employee health and safety; provide written notice of its roofing jobs to the OSHA Area Office for a period of five years; and pay an amended penalty of \$72,000.00 in sixty monthly installment payments from September 2017 to July 2022. On August 24, 2017, the ALJ issued a consent order, approving the settlement agreement and adopting and incorporating it as part of the consent order. The ALJ's order became the Commission's final order on September 25, 2017.

Subsequently, Roof Kings failed to provide proof of abatement, to give the OSHA Area Office written notice of its roofing jobs, and to pay the assessed

penalties according to the agreed-upon installment plan.² The Secretary therefore filed an enforcement petition in the First Circuit pursuant to section 11(b) of the OSH Act.³ Roof Kings did not respond, and the Court granted the petition on October 18, 2018. The Court's judgment enforces the Commission final order requiring Roof Kings to comply with the settlement agreement. See Exhibit 1.

Roof Kings has not responded to the Court's October 18, 2018 judgment, paid its penalties according to the installment plan, or provided any abatement documentation. Based on the company's March 19, 2019 filing of a Certificate of Amendment with the Massachusetts Corporations Division to add a manager to execute documents, OSHA's photographs of the company's van being driven on June 18, 2019, and recent online customer reviews of the company posted in April 2019, it appears Roof Kings is still in business. On March 18, 2019, the OSH Division sent Roof Kings a demand letter along with copies of the enforcement petition and the First Circuit's judgment, requesting that Roof Kings, within ten

² The settlement agreement states, "If any of the installments should be delinquent for more than fifteen (15) days from the first business day of the respective month, then the original penalty of \$124,960.00 assessed for Docket No 16-1524 and all outstanding proposed penalties of \$88,986.58 in OSHA inspections numbers 1174335, 976371, and 949570 shall become due and payable, minus any previously paid installments." See Exhibit 2. Roof Kings failed to follow the installment plan after making three initial timely payments, and now owes a total of \$206,090.00 in outstanding penalties.

³ Section 11(b) of the OSH Act authorizes the Secretary to obtain summary enforcement of final orders of the Commission. 29 U.S.C. § 660(b).

(10) days of receiving the letter, comply with the terms of the settlement agreement. Roof Kings did not respond to the letter or take any actions to comply with the settlement agreement. Mr. Galligan, the agent and owner of Roof Kings, is likely aware of the Court's judgment because the demand letter was delivered and accepted at his address. Furthermore, following issuance of the First Circuit's October 18, 2018 judgment, on November 16, 2018, Roof Kings made a single \$1200.00 payment to OSHA. See Declaration of Area Director of Area Director Anthony Covello, attached as Exhibit 3.

GOVERNING LAW

An employer who violates an appellate court's order issued pursuant to section 11(b) of the OSH Act can be found in contempt of court. *Reich v. Sea Sprite Boat Co.*, 50 F.3d 413, 416 (7th Cir. 1995). "Before a court can enter a finding of contempt for failure to follow a court order, the complaining party must prove, by clear and convincing evidence, that the person has not been reasonably diligent and energetic in attempting to accomplish what was ordered." *United States v. Berg*, 20 F.3d 304, 311 (7th Cir. 1994) (internal quotation marks and citation omitted).

Potential sanctions for contempt include the daily failure-to-abate penalties provided in OSH Act section 17(d), 29 U.S.C. § 666(d), recovery of the Secretary's costs of bringing the action, incarceration of an individual corporate

officer who flouts the court's order, and any other sanction that the court deems necessary to secure compliance. *Sea Sprite*, 50 F.3d at 416-17. Employers who otherwise ignore ordinary enforcement actions may be induced to comply by the severity of these potential contempt sanctions. *Id.*

at 415-16.

Federal injunctions and orders enforcing decisions of administrative agencies apply to the parties, their officers, their successors in interest, and other affiliated persons and entities who have actual notice. Fed. R. Civ. P. 65(d); *see, e.g., Sea Sprite*, 50 F.3d at 417 (president and sole shareholder of corporation who receives actual notice of court's order is no less bound by it than is the corporation itself: "An order issued to a corporation is identical to an order issued to its officers, for incorporeal abstractions act through agents."); *People of State of N.Y. by Vacco v. Operation Rescue Nat.*, 80 F.3d 64, 70 (2d Cir. 1996) ("An injunction issued against a corporation or association binds the agents of that organization to the extent they are acting on behalf of the organization."); *United States v. Paccione*, 964 F.2d 1269, 1274 (2d Cir. 1992) ("Ordinarily, the class of parties subject to an injunction or restraining order include the named parties, officers, agents, servants, employees, attorneys of the named parties and successors in interest to the property that is subject to the injunction or restraining order.");

Metro- Goldwyn Mayer, Inc. v. 007 Safety Products, Inc., 183 F.3d 10, 16 (1st Cir. 1999).

REQUESTED RELIEF

Roof Kings and Mr. Galligan have defied this Court by failing to comply with any of the requirements prescribed by the Court's October 18, 2018 judgement.⁴ Compliance is necessary to ensure that Roof Kings' employees are protected from hazardous working conditions as required by the OSH Act. Roof Kings and its agent and officer, Mr. Galligan, are in civil contempt of this Court's judgment, and action by the Court is necessary to bring them into compliance. *See e.g., Secretary of Labor v. U.S. Chutes Corporation*, 2nd Circuit 17-4077 (finding of contempt entered February 7, 2018); *Perez v. Lessard Roofing & Siding, Inc.*, 1st Circuit 11-2372 (finding of contempt entered Aug. 24, 2015); *Secretary of Labor v. GP Roofing & Construction, LLC*, 11th Cir. 13-12113 (finding of contempt entered Mar. 20, 2015); *Perez v. Neri*, 7th Cir. 13-2946 (finding of contempt entered July 29, 2014); *Secretary of Labor v. Miranda Roofing*, 8th Cir.

⁴ To the extent that this Court may require additional evidence to determine whether there is clear and convincing evidence that Roof Kings and Mr. Galligan have not been reasonably diligent in attempting to comply with the Court's Enforcement Decree, there will be opportunity to conduct discovery if the Court assigns the case to a special master. *See Sea Sprite*, 50 F.3d at 414-15 (appellate masters have authority to compel the production of evidence).

10-3223 (finding of contempt entered Sept. 7, 2012); *Perez v. Andre Tuckpointing*, 8th Cir. 06-2609 (finding of contempt entered Jan. 22, 2010); *Chao v. Midwest Racking Mfg.*, 7th Cir. 06-1549 (consent judgment entered Jan. 6, 2009); *Chao v. Orłowski Constr. Inc.*, 7th Cir. No. 05-2647 (consent judgment entered Aug. 18, 2008).

The Secretary therefore requests the following relief:

- a) that the Court adjudge Roof Kings and Mr. Galligan to be in civil contempt of the Court's judgement;
- b) that the Court impose sanctions necessary and appropriate to compel compliance with its judgment, including, if necessary, incarceration of Mr. Galligan; and
- c) that the Court grant such other relief as it deems just and proper.

Respectfully submitted,

KATE O'SCANNLAIN
Solicitor of Labor

EDMUND C. BAIRD
Associate Solicitor for
Occupational Safety and Health

HEATHER R. PHILLIPS
Counsel for Appellate Litigation

s/ Jin Y. Chong
JIN Y. CHONG
Attorney
U.S. Department of Labor
200 Constitution Ave., N.W.
Room S-4004

Washington, D.C. 20210
(202) 693-5412

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

EUGENE SCALIA,
SECRETARY OF LABOR,

Petitioner,

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THE ROOF KINGS, LLC,

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ORDER FINDING CIVIL CONTEMPT

This matter is before the Court on the motion of the Secretary of Labor for entry of a finding of contempt against The Roof Kings, LLC (Roof Kings) and its agent and owner, Craig Galligan (Galligan), for failure to comply with this Court’s judgment issued on October 18, 2018. (Docket No. 18-1425).

IT IS HEREBY ORDERED THAT:

1. Roof Kings and its agent and owner, Mr. Galligan, are in contempt of this Court.
2. Roof Kings and Mr. Galligan must provide to Anthony Covello, OSHA

Area Director for Andover, Massachusetts written certification within twenty days of the date of this order that they have abated the violations affirmed in the settlement agreement, which this Court enforced in its judgment.

3. Roof Kings and Mr. Galligan must pay, within twenty days of the date of this order, outstanding penalties in the amount of \$206,090.00, plus interest and fees, assessed by the Commission final order that are the subject of this Court's judgment.

4. Roof Kings and Mr. Galligan must comply with the terms of the settlement agreement.

5. Roof Kings and Mr. Galligan shall be subject to coercive sanctions, including incarceration and such other relief as this Court deems just and proper, for any noncompliance after twenty days from the date of this order.

ENTERED BY ORDER OF THE COURT

Clerk

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019 I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. I further certify that on October 9, 2019, I served a copy of the foregoing document on the following parties or their counsel of record by UPS:

Craig Galligan
The Roof Kings, LLC
101 Holmes Street, #1D
Quincy, Massachusetts

s/ Jin Y. Chong
JIN Y. CHONG
Attorney
U.S. Department of Labor
200 Constitution Ave., N.W.
Room S-4004
Washington, D.C. 20210
(202) 693-5412

EXHIBIT 1

United States Court of Appeals For the First Circuit

No. 18-1425

R. ALEXANDER ACOSTA, Secretary of Labor,

Petitioner,

v.

THE ROOF KINGS, LLC,

Respondent.

JUDGMENT

Entered: October 18, 2018
Pursuant to 1st Cir. R. 27.0(d)

The Secretary of Labor has filed a petition pursuant to 29 U.S.C. § 660(b) for summary enforcement of final orders of the Occupational Safety and Health Review Commission in OSHA Docket No. 16-1524 (OSHA Inspection No. 1125663) and OSHA Inspection Nos. 1174335, 976371 and 949570. Respondent has failed to file an answer within the time provided by Fed. R. App. P. 15(b)(2) and the record establishes that the Secretary is entitled to summary judicial enforcement. Accordingly, it is hereby ordered that the petition is granted, and the Commission's final order dated September 25, 2017 is hereby enforced.

By the Court:

Maria R. Hamilton, Clerk

cc:

Jin Y Chong
Roof Kings LLC

EXHIBIT 2

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

R. ALEXANDER ACOSTA,
SECRETARY OF LABOR,

Petitioner,

v.

THE ROOF KINGS, LLC,

Respondent.

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**PETITION FOR SUMMARY ENFORCEMENT OF A
FINAL ORDER OF THE OCCUPATIONAL SAFETY AND
HEALTH REVIEW COMMISSION**

The Secretary of Labor (Secretary) petitions this Court for an order under section 11(b) of the Occupational Safety and Health Act of 1970 (OSH Act), 29 U.S.C. § 660(b), summarily enforcing a final order of the Occupational Safety and Health Review Commission (Commission) arising from citations issued by the Occupational Safety and Health Administration (OSHA). The Commission final order requires The Roof Kings, LLC (Roof Kings) to comply with the terms of a settlement agreement entered into with OSHA, including abating OSH Act violations and paying the outstanding amount in penalties totaling \$209,693.00.

This Court has jurisdiction to enter an enforcement decree pursuant to 29 U.S.C. § 660(b). Venue is proper because the violations occurred in Massachusetts. *See* 29 U.S.C. § 660(b). A proposed decree is attached to this petition.

STATUTORY FRAMEWORK

The OSH Act is designed to protect the occupational safety and health of employees working in industries affecting interstate commerce. *Atlas Roofing Co. v. OSHRC*, 430 U.S. 442, 445 (1977). To enforce the OSH Act, OSHA inspects workplaces and issues citations to employers that violate occupational safety and health standards promulgated under the OSH Act.¹ 29 U.S.C. §§ 654(a), 657(a), 658, 659(a). Employers may contest the Secretary’s citations 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 appropriate relief. *Id.* §§ 659(c), 661.

If an employer notifies the Secretary that he intends to contest a citation, the Secretary shall advise the Commission of the notification, and the Commission shall afford an opportunity for a hearing and subsequently issue an order. *Id.* § 659(c). A Commission administrative law judge (ALJ) hears the dispute initially, and the ALJ’s decision becomes the Commission’s final order if the Commission

¹ The Secretary has delegated the bulk of his responsibilities under the OSH Act to the Assistant Secretary who directs OSHA. 77 Fed. Reg. 3912 (Jan. 25, 2012). This petition uses the terms “Secretary” and “OSHA” interchangeably.

does not grant review of the ALJ's decision within thirty days of its issuance. *Id.* § 661(j); *see* 29 C.F.R. § 2200.92(b)(2) (Commission rule of procedure making the date the ALJ's decision is docketed with the Commission the date of issuance). An aggrieved employer may seek judicial review of a Commission final order by filing a petition for review in the court of appeals within sixty days of the order's issuance. 29 U.S.C. § 660(a). If an employer does not contest a citation, the citation is "deemed a final order of the Commission and not subject to review by any court or agency." *Id.* § 659(a).

Section 11(b) of the OSH Act authorizes summary enforcement by courts of appeals of Commission final orders. 29 U.S.C. § 660(b); *see Brock v. Morysville Body Works, Inc.*, 829 F. 383, 386 (3d Cir. 1987); *Brennan v. Winters Battery Mfg. Co.*, 531 F.2d 317 (6th Cir. 1975). Section 11(b) provides that if no petition for review is filed within the statutory sixty-day period, the Commission's final 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." 29 U.S.C. § 660(b). In any such case, "the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order." *Id.*

FACTUAL BACKGROUND

Roof Kings is a roofing construction business. From November 2013 to August 2016, OSHA inspected Roof Kings four times at Massachusetts

construction sites and issued thirty-two citations for violations of OSHA standards, including requirements for fall protection and for training on fall hazards. Exhibit (Ex.) A (copies of the citations). Roof Kings timely contested the citations arising out of one of the four inspections, Inspection Number 1125663, and the Secretary thereafter filed a complaint, notifying the Commission of the employer's notice of contest. Ex. B (Secretary's complaint).

On July 27, 2017, the Secretary and Roof Kings executed a settlement agreement resolving the thirty-two citations and penalties arising from all four inspections. Ex. C (settlement agreement). The terms of the settlement agreement include provisions requiring Roof Kings to abate the specific conditions listed in the citations from Inspection Number 1125663 through various abatement measures, including identifying job hazards and developing controls to address them, and developing and implementing a Comprehensive Safety and Health Program. Ex. B § 10. The settlement agreement also requires Roof Kings to pay an amended penalty of \$72,000.00 in sixty monthly installment payments from September 2017 to July 2022. Ex. B §§ 7, 8, 10. Moreover, the settlement agreement states that if Roof Kings fails to timely pay any of the installments,

Roof Kings must pay the original penalties for all four inspections, which amount to \$214,693.00, minus any previously paid installments.² Ex. B § 7.

Roof Kings withdrew its notice of contest to Inspection Number 1125663, and the parties agreed that the settlement agreement would become a Commission final order enforceable under section 11(b) of the OSH Act. Ex. B § 13. Roof Kings also agreed it would not oppose the entry of an 11(b) order by 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.*

The Secretary and Roof Kings submitted the settlement agreement to the Commission ALJ presiding over Roof Kings’ contest to the citations arising out of Inspection Number 1125663. On August 24, 2017, the ALJ issued a consent order, approving the settlement agreement and adopting and incorporating it as part of the consent order. Ex. D (consent order). The ALJ’s consent order was docketed with the Commission on August 25, 2017, and it became the Commission’s final order on September 25, 2017, when no Commissioner directed the case for review. Ex. E (notice of docketing); 29 U.S.C. 661(j).

² Having previously paid a total of \$5,000.00 in installments before becoming delinquent with its payments, Roof Kings now owes the Secretary \$209,693.00.

ARGUMENT

The Court should summarily enforce the Commission's September 25, 2017 final order. The OSH Act provides for summary enforcement of Commission final orders after the sixty-day period for filing a petition for review has expired. 29 U.S.C. § 660(b). The ALJ's consent order, approving and incorporating the settlement agreement between the Secretary and Roof Kings, was docketed with the Commission on August 25, 2017, and became a Commission final order on September 25, 2017. 29 U.S.C. § 661(j); Ex. D. The sixty-day statutory review period expired on November 24, 2017, and no petition for review was filed. 29 U.S.C. § 660(b). Therefore, the Commission's September 25, 2017 final order became conclusive for the purposes of this enforcement petition on November 25, 2017. *Id.*

Moreover, Roof Kings has failed to perform the terms of the agreement, which require Roof Kings to abate the violations from Inspection Number 1125663, identify and control job hazards, and implement a Comprehensive Safety Health Program. Roof Kings has also failed to pay the \$72,000.00 amended penalty in monthly installments. To diminish the likelihood of subsequent violations and increase Roof Kings' incentive to comply with the settlement agreement, judicial enforcement of the settlement agreement is appropriate. *See* 29

U.S.C. § 660(b) (authorizing contempt and other sanctions for violations of a judicially-enforced Commission final order).

For Commission final orders that are no longer subject to review, such as the September 25, 2017 final order, the OSH Act provides for summary judicial enforcement based solely on the Secretary's petition for enforcement. 29 U.S.C. § 660(b); *see Morysville*, 829 F.2d at 386. The Court should therefore issue an order summarily enforcing the Commission's September 25, 2017 final order.

CONCLUSION

For the foregoing reasons, the Secretary requests that the Court grant this petition for summary enforcement. A proposed decree is attached.

KATE O'SCANNLAIN
Solicitor of Labor

ANN S. ROSENTHAL
Associate Solicitor for Occupational
Safety and Health

HEATHER R. PHILLIPS
Counsel for Appellate Litigation

s/ Jin Y. Chong
JIN Y. CHONG
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U.S. Department of Labor
200 Constitution Ave., N.W.
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**DECREE ENFORCING A FINAL ORDER
OF THE OCCUPATIONAL SAFETY
AND HEALTH REVIEW COMMISSION**

Pursuant to section 11(b) of the Occupational Safety and Health Act of 1970,
29 U.S.C. § 660(b), the Secretary of Labor’s petition for summary enforcement of
the Occupational Safety and Health Review Commission’s September 25, 2017
final order against The Roof Kings, LLC, OSHRC Docket No. 16-1524 is
GRANTED. This final order is hereby ENFORCED, and The Roof Kings, LLC is
ORDERED to comply with all the terms of the parties’ settlement agreement that
became a Commission final order by operation of law on September 25, 2017.

ENTERED BY ORDER OF THE COURT

Clerk

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2018 I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system. I further certify that on May 8, 2018, I served a copy of the foregoing document on the following parties or their counsel of record by UPS:

Craig Galligan
512 Gallivan Blvd Suite 3
Dorchester, MA 02124

s/ Jin Y. Chong
JIN Y. CHONG
Attorney
U.S. Department of Labor
200 Constitution Ave., N.W.
Room S-4004
Washington, D.C. 20210
(202) 693-5412

EXHIBIT A

EXHIBIT B

U.S. Department of Labor

Occupational Safety and Health Administration
639 Granite Street
4th Floor
Braintree, MA 02184
Phone: 617-565-6924 Fax: 617-565-6923



Citation and Notification of Penalty

To:
THE ROOF KINGS LLC
and its successors
179 Whitwell Street
Quincy, MA 02169

Inspection Number: 949570
Inspection Date(s): 11/21/2013 - 11/21/2013
Issuance Date: 01/16/2014

Inspection Site:
31 Bowker Street
Boston, MA 02109

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. 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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on OSHA Penalty Payment Form. 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 \$50,000 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. 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

Inspection Number: 949570
Inspection Date(s): 11/21/2013 - 11/21/2013
Issuance Date: 01/14/2014



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 31 Bowker Street, Boston, MA 02109

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

29 CFR 1926.20(b)(2): Such programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employers.

Jobsite:

Employees on site were not inspecting the job site for unsafe work conditions such as Fall Hazards, employee training, wearing fall arrest equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/06/2014
Proposed Penalty:	\$2800.00

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: 949570
Inspection Date(s): 11/21/2013 - 11/21/2013
Issuance Date: 01/14/2014



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 31 Bowker Street, Boston, MA 02109

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

29 CFR 1926.501(b)(3): "Hoist areas." Each employee in a hoist area shall be protected from falling 6 feet (1.8 m) or more to lower levels by guardrail systems or personal fall arrest systems. If guardrail systems, [or chain, gate, or guardrail] or portions thereof, are removed to facilitate the hoisting operation (e.g., during landing of materials), and an employee must lean through the access opening or out over the edge of the access opening (to receive or guide equipment and materials, for example), that employee shall be protected from fall hazards by a personal fall arrest system.

Jobsite:

Employees were exposed to falls of 40 feet with no guardrails in place on the roof while receiving roofing material from the ground level.

Written Safety Program / Training in fall hazards

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$2800.00

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: 949570
Inspection Date(s): 11/21/2013 - 11/21/2013
Issuance Date: 01/14/2014



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 31 Bowker Street, Boston, MA 02109

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

29 CFR 1926.503(a)(1): The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

Jobsite:

Employer does not have a written training program nor were anyone on the crew trained in fall protection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/06/2014
\$2800.00

Brenda Gordon
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
639 Granite Street
4th Floor
Braintree, MA 02184
Phone: 617-565-6924 Fax: 617-565-6923



INVOICE / DEBT COLLECTION NOTICE

Company Name: THE ROOF KINGS LLC
Inspection Site: 31 Bowker Street, Boston, MA 02109
Issuance Date: 01/14/2014

Summary of Penalties for Inspection Number	949570
Citation 1, Serious	\$8400.00
TOTAL PROPOSED PENALTIES	\$8400.00

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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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 \$50,000 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.

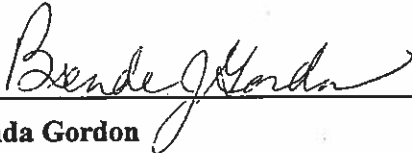
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 2 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.



Brenda Gordon
Area Director

1/14/14
Date

EXHIBIT C

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*The Redemptorist
179 Whitehall St
Quincy MA 02169*

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Hano Delivery by*
X Shoa Arars

B. Received by (Printed Name)

C. Date of Delivery *2/18/14*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below *48114th*

949570

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7005 0390 0004 4364 0300

PS Form 3811, February 2004

Domestic Return Receipt

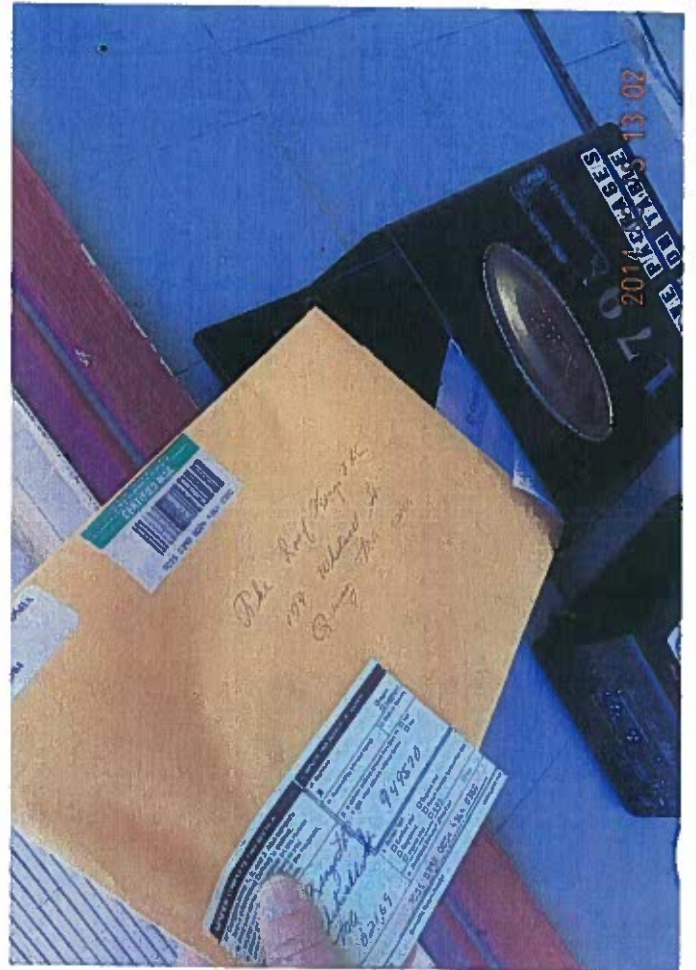
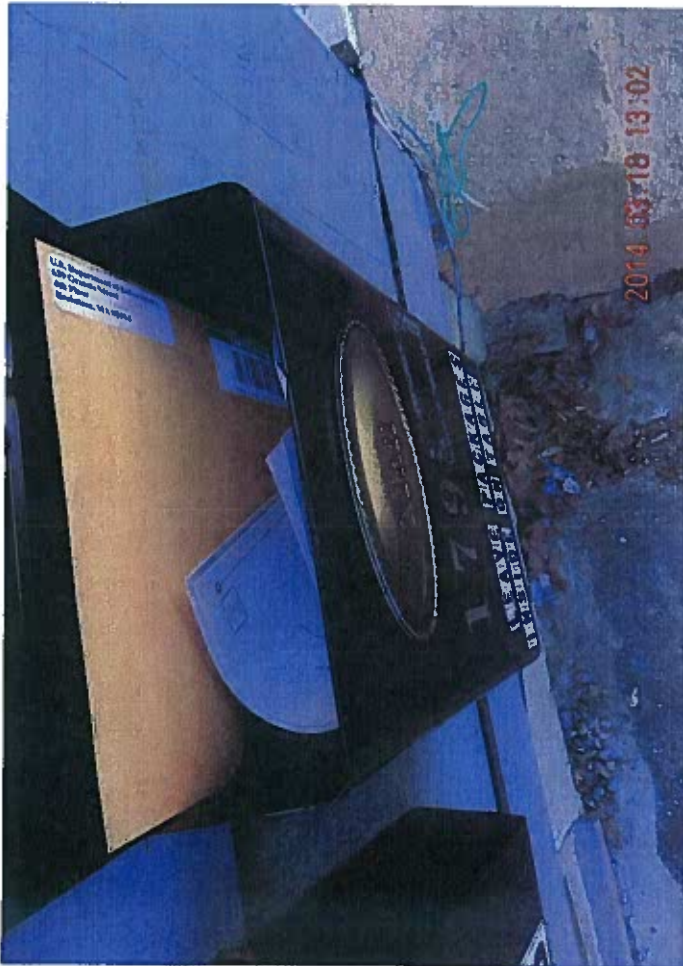
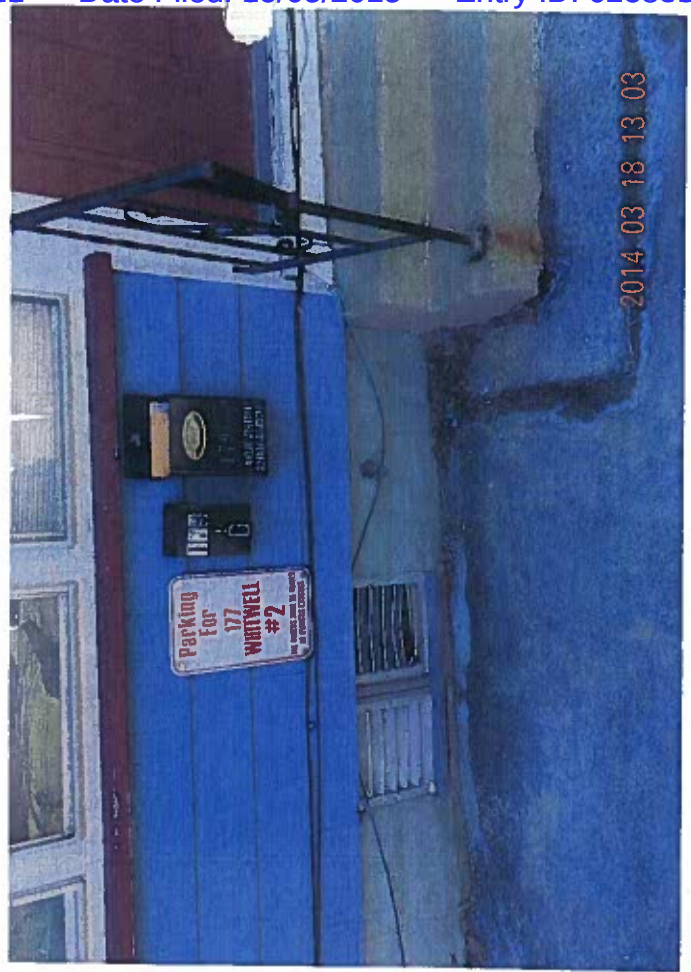
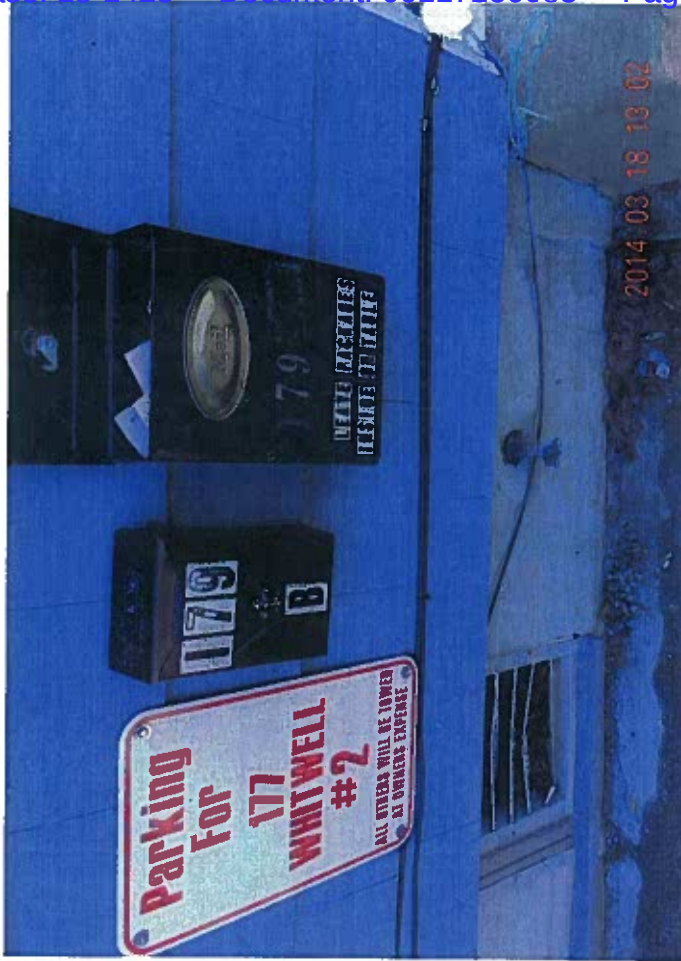




EXHIBIT F

U.S. Department of Labor
Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



Citation and Notification of Penalty

To:
The Roof Kings, LLC
179 Whitwell Street
Quincy, MA 02169

Inspection Number: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014

Inspection Site:
101 Main Street
Medford, MA 02155

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. 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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on OSHA Penalty Payment Form. 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 \$50,000 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. 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

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/02/2014. The conference will be held by telephone or at the OSHA office located at 138

River Road, Suite 102, Shattuck Office Center, Andover, MA 01810 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 976371

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155
Issuance Date: 06/02/2014

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, 138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810**

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: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014



Citation and Notification of Penalty

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155

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

29 CFR 1926.20(b)(2): The employer did not initiate and maintain a safety program which provides for frequent and regular inspections of job-sites, materials, and equipment to be made by a competent person (i.e., a person who is capable of identifying existing hazards)

(a) Location: 101 Main Street, Medford MA, 02155

On or about 5/12/2014, a competent person did not perform a frequent and regular inspection of the job-site to identify safety and health hazards such as (using a propane cylinder as an anchor for an extension ladder.)

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$1,600.00

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: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014



Citation and Notification of Penalty

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155

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

29 CFR 1926.501(b)(4)(i): Each employee on walking/working surfaces was not protected from falling through holes (including skylights), more than six feet (1.8 m) above lower levels, by personal fall arrest systems, covers, or guardrail systems erected around such holes.

(a) Location: 101 Main Street, Medford MA, 02155

On or about 5/12/2014, employees were not protected from falling while working in close proximity to skylights.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/18/2014
Proposed Penalty:	\$2,800.00

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: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014



Citation and Notification of Penalty

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.501(b)(10): Each employee engaged in roofing activities on low-slope roofs with unprotected sides and edges 6 feet or more above lower levels, was not protected from falling by guardrail systems, safety net systems, personal fall arrest systems, or a combination of warning line system and guardrail system, warning line system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system. Or, on roofs 50-feet (15.25 m) or less in width, each employee was not protected by use of a monitoring system.

(a) Location: 101 Main Street, Medford MA, 02155

On or about 5/12/2014, employees were not protected from falling while working on a flat roof greater than 50 feet in width and at a height of more than 6 feet from the lower level.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2,800.00

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: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014



Citation and Notification of Penalty

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

(a) Location: 101 Main Street, Medford MA, 02155

On or about 5/12/2014, employees were not instructed in the recognition and avoidance of fall hazards while working on a roof.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/18/2014

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: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014



Citation and Notification of Penalty

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

(a) Location: 101 Main Street, Medford MA, 02155

On or about 5/12/2014, employees were not protected from falling while using a ladder that did not extend at least three feet above the upper landing surface.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2,800.00

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: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014



Citation and Notification of Penalty

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155

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

29 CFR 1926.1053(b)(4): Ladders were used for purposes other than the purposes for which they were designed:

(a) Location: 101 Main Street, Medford MA, 02155

On or about 5/12/2014, an extension ladder was split apart and each section was used by employees to access an upper landing.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 976371
Inspection Date(s): 05/12/2014 - 05/12/2014
Issuance Date: 06/02/2014



Citation and Notification of Penalty

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155

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

29 CFR 1926.1053(b)(7): Ladder that was unsecured or not provided with slip-resistant feet were used on slippery surfaces:

(a) Location: 101 Main Street, Medford MA, 02155

On or about 5/12/2014, a ladder was not secured when used on a slippery surface consisting of rocks on a flat roof surface.

Date By Which Violation Must be Abated:

Corrected During Inspection


Jeffrey Erskine
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
138 River Road, Suite 102
Andover, MA 01810

Phone: (978) 837-4460
Fax: (978) 837-4455



December 18, 2014

The Roof Kings, LLC
179 Whitwell Street
Quincy, MA 02169

RE: OSHA Inspection #976371

Dear Craig:

On 5/12/2014, the Occupational Safety and Health Administration (OSHA) conducted an inspection of your company located at:

**101 Main Street
Medford, MA 02155**

A review of the inspection file shows that we have not received a detailed letter of abatement from the company explaining how each item in the citation was corrected. Specifically, documentation is needed for the following item: **Citation 1, Item 2, Citation 1, Item 3(b).**

OSHA procedures require that unless abatement certification is received within 7 days, additional citations may be issued and a follow-up inspection may be conducted. The receipt of a detailed letter will not, in itself, prevent OSHA from scheduling a follow-up inspection, however, the lack of such a letter will almost certainly ensure that additional citations will be issued and a follow-up inspection will be conducted.

Please provide a detailed letter of abatement explaining the corrective action taken for each of the items for which you have been cited. The attached guidelines for preparing an abatement letter may be of help in drafting your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Erskine".

Jeffrey Erskine
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



INVOICE / DEBT COLLECTION NOTICE

Company Name: The Roof Kings, LLC
Inspection Site: 101 Main Street, Medford, MA 02155
Issuance Date: 06/02/2014

Summary of Penalties for Inspection Number	976371
Citation 1, Serious	\$10,000.00
TOTAL PROPOSED PENALTIES	\$10,000.00

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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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 \$50,000 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 2 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.


Jeffrey Erskine
Area Director

06/02/2014
Date

EXHIBIT J

U.S. Department of Labor

Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



Citation and Notification of Penalty

To:
THE ROOF KINGS LLC
and its successors
512 Gallivan Blvd Suite 3
Dorchester, MA 02124

Inspection Number: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016

Inspection Site:
232 Main Street
Haverhill, MA 01830

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. 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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. 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. 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

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/01/2016. The conference will be held by telephone or at the OSHA office located at 138

River Road, Suite 102, Shattuck Office Center, Andover, MA 01810 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1125663

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830
Issuance Date: 08/01/2016

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, 138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to fall hazards while using a hoist as a ladder.

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, employees were exposed to falls and possible collapse while using a material hoist as a ladder.

Among other methods, one feasible and acceptable abatement method to correct this hazardous condition would be to follow manufacturer's instruction and not use the hoist as a ladder, train employee on proper inspection, use and the erection of the material hoist.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.62(d)(1)(i): Each employer who had a workplace or operation covered by 29 CFR 1926.62 did not initially determine if any employee was exposed to lead at or above the action level of 30 micrograms per cubic meter of air (30 $\mu\text{g}/\text{m}^3$) calculated as an 8-hour time-weighted average (TWA):

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, employees were exposed to lead contaminates when the employer did not perform an initial determination of lead hazards when removing lead flashing on roof.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$1760.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.62(l)(1)(i): The employer did not ensure that at least the following Lead hazards were communicated to employee(s): reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects; and acute toxicity effects.

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, the employer failed to ensure that the hazards of lead were communicated to employees.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 1 Item 3 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.

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, employees were exposed to eye and face injuries when using pneumatic nail guns without proper eye protection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.252(a): An enclosed chute of wood, or equivalent material, was not used where materials were dropped more than 20 feet to points lying outside the exterior walls of the building(s):

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, an enclosed chute was not used where roofing materials were dropped more than 20 feet outside the building.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.404(b)(1)(i): Employer did not use either ground fault circuit interrupters as specified in paragraph (b)(1)(ii) of this section, or an assured equipment grounding conductor program as specified in paragraph (b)(1)(iii) of this section to protect employees on construction sites.

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/18/2016, employees were exposed to electrical shock and burns when they were using portable electrical tools without GFCI Protection.

(b) Location - 232 Main Street, Haverhill, MA:

On or about 02/19/2016, employees were exposed to electrical shock and burns when they were using portable electrical tools without GFCI Protection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.405(g)(1)(iii)(C): Flexible cords and cables were run through doorways, windows, or similar openings:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/18/16, employees were using an electrical extension cord that was run through a doorway.

(b) Location - 232 Main Street, Haverhill, MA:

On or about 2/19/16, employees were using electrical extension cords that were run through a doorway.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/18/2016, employees were exposed to electric shock and burns when the employees were using an electrical outlet that did not have a continuous path to ground.

(b) Location - 232 Main Street, Haverhill, MA:

On or about 02/19/2016, employees were exposed to electric shock and burns when the employees were using an electrical extension cord that did not have a continuous path to ground (ground pin missing).

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.416(e)(1): Worn or frayed electric cords or cables were used:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, employees were exposed to electric shock and burns while using an electrical cord that was frayed.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.502(d)(15): Anchorage used for attachment for personal fall arrest equipment was not capable of supporting at least 5,000 pounds (22.2 kN) per employee attached nor was it designed, installed and used as follows: As part of a complete personal fall arrest system which maintains a safety factor of at least two; and under the supervision of a qualified person.

(a) Location - 232 Main Street, Haverhill, MA (main steep roof):

On or about 2/18/16, employees were exposed to falls when the protection anchor was not secured properly to the peak of the roof.

(b) Location - 232 Main Street, Haverhill, MA (lower steep roof):

On or about 2/18/16, employees were exposed to falls when multiple employees were secured to the same anchor point which was also not properly secured.

(c) Location - 232 Main Street, Haverhill, MA (lower steep roof):

On or about 2/19/16, employees were exposed to falls when the protection anchor was not secured properly to the peak of the roof.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.502(d)(16)(iii): Personal fall arrest systems, when stopping a fall, were not rigged such that an employee could not free fall more than 6 feet (1.8 m) nor contact any lower level:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/18/16, employees were exposed to falls when the personal fall protection lanyard had more than a six-foot free fall distance when working on the roof.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 8 a Type of Violation: **Serious**

29 CFR 1926.1053(b)(5)(i): Non-self-supporting ladder(s) were not used at an angle such that the horizontal distance from the top support to the foot of the ladder was approximately one-quarter of the working length of the ladder:

(a) Location - 232 Main Street, Haverhill, MA:
On or about 2/19/16, employees were exposed to falls while using an extension ladder that was not used at the proper angle.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 1 Item 8 b Type of Violation: **Serious**

29 CFR 1926.1053(b)(22): Employees using ladders were carrying objects or loads that could cause the employee to lose balance and fall:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/19/16, an employee was exposed to falling while ascending and descending a ladder while carrying an object (leaf blower) which could cause the employee to lose balance and fall:

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would enable each employee to recognize hazards related to ladders and stairways and train each employee in the procedures to be followed to minimize these hazards.

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16 - 02/19/2016, the employer did not provide sufficient ladder training to each employee on the site who used ladders.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/14/2016
Proposed Penalty:	\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.501(b)(10): The employer does not protect each employee engaged in roofing activities on low-slope roofs with unprotected sides and edges 6 feet or more above lower levels from falling by guardrail systems, safety net systems, personal fall arrest systems, or a combination of warning line system and guardrail system, warning line system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system. Or, on roofs 50-feet (15.25 m) or less in width, the employer does not protect each employee by use of a monitoring system:

This violation was most recently observed on 02/17/2016-02/19/2016 at a worksite at 232 Main Street, Haverhill, MA (front and rear of the building), where fall protection was not provided, exposing employees working from a low slope roof with a fall hazard greater than 19 feet.

To abate this violation, the employer must ensure that a fall protection system is in place to protect each employee working 6 feet or more above a lower level from falling.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$30800.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1926.501(b)(11): The employer does not protect each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems:

This violation was most recently observed on 02/17/2016-02/19/2016 at a worksite at 232 Main Street, Haverhill, MA (main steep roof, front lower steep roof and rear upper steep roof), where fall arrest systems were not provided, exposing employees working from a 8-pitch roof to a fall hazard greater than 45-feet.

To abate this violation, the employer must ensure that a fall protection system is in place to protect each employee working 6 feet or more above a lower level from falling.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/05/2016
Proposed Penalty: \$30800.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 2 Item 3 Type of Violation: **Willful**

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

This violation was most recently observed between 02/17/2016 - 02/19/2016 at a worksite at 232 Main Street, Haverhill, MA, where ladders used to access upper landing surfaces did not extend three feet beyond the landing surface, exposing employees to a fall hazard greater than 45 feet.

To abate this violation, the employer must ensure that when employees use a ladder to access an upper landing surface they are extend three feet beyond that landing surface.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/05/2016
Proposed Penalty: \$30800.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16 - 02/19/2016; the employer did not provide sufficient fall protection training to each employee on the site who was exposed to fall hazards.

The Roof Kings, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1926.503 (a)(1), which was contained in OSHA inspection number 949570, citation number 1, item number 3 and was affirmed as a final order on 4/9/14, with respect to a workplace located at 31 Bowker Street Boston, MA.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2016

Proposed Penalty:

\$6160.00

Anthony Covello
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
 138 River Road
 Suite 102, Shattuck Office Center
 Andover, MA 01810
 Phone: 978-837-4460 Fax: 978-837-4455



INVOICE /
 DEBT COLLECTION NOTICE

Company Name: THE ROOF KINGS LLC
 Inspection Site: 232 Main Street, Haverhill, MA 01830
 Issuance Date: 08/01/2016

Summary of Penalties for Inspection Number	1125663
Citation 1, Serious	\$2,640.00
Citation 2, Willful	\$92,400.00
Citation 3, Repeat	\$6,160.00
TOTAL PROPOSED PENALTIES	\$124,960.00

62,480
93,720
99,968

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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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

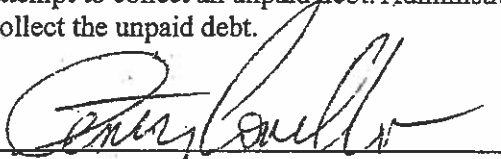
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.



Anthony Covejo
Area Director

8/1/2016
Date

EXHIBIT M

U.S. Department of Labor
Occupational Safety and Health Administration
639 Granite Street
4th Floor
Braintree, MA 02184
Phone: 617-565-6924 Fax: 617-565-6923



Citation and Notification of Penalty

To:
THE ROOF KINGS LLC
and its successors
512 GALLIVAN BLVD
SUITE 3
Dorchester, MA 02122

Inspection Number: 1174335
Inspection Date(s): 08/31/2016 - 08/31/2016
Issuance Date: 12/12/2016

Inspection Site:
41 Carruth St.
Dorchester, MA 02124

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. 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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on OSHA Penalty Payment Form. 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. 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

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/12/2016. The conference will be held by telephone or at the OSHA office located at 639

Granite Street, 4th Floor, Braintree, MA 02184 on _____ at _____

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1174335

Company Name: THE ROOF KINGS LLC
Inspection Site: 41 Carruth St., Dorchester, MA 02124
Issuance Date: 12/12/2016

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, 639 Granite Street, 4th Floor, Braintree, MA 02184**

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: 1174335
Inspection Date(s): 08/31/2016 - 08/31/2016
Issuance Date: 12/12/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 41 Carruth St., Dorchester, MA 02124

Citation 1 Item 1 Type of Violation: **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

Location: 41 Carruth Street, Dorchester, MA (Jobsite)

On or about August 31, 2016, Employees , while walking and working within the fall zone of a roof being re--shingled, were exposed to struck-by hazards from falling and/or flying tools and/or construction material, where hard hats were not used or provided.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/20/2016
Proposed Penalty:	\$5487.00

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: 1174335
Inspection Date(s): 08/31/2016 - 08/31/2016
Issuance Date: 12/12/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 41 Carruth St., Dorchester, MA 02124

Citation 1 Item 2 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.

Location: 41 Carruth Street, Dorchester, MA (Jobsite)

On or about August 31, 2016, Employees , operating pneumatic air nail guns, were exposed to struck-by hazards from flying projectiles and debris, where eye protection was not used or provided.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/20/2016
Proposed Penalty:	\$5487.00

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: 1174335
Inspection Date(s): 08/31/2016 - 08/31/2016
Issuance Date: 12/12/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 41 Carruth St., Dorchester, MA 02124

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

29 CFR 1926.1053(b)(21): Employees were not grasping the ladder with at least one hand when progressing up and/or down the ladder.

Location: 41 Carruth Street, Dorchester, MA (Jobsite)

On or about August 31, 2016, Employees were exposed to fall hazards of more than 20 feet, while climbing a ladder, while simultaneously carrying a roll of tar paper, without three points of contact.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/20/2016
Proposed Penalty:	\$5487.00

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: 1174335
Inspection Date(s): 08/31/2016 - 08/31/2016
Issuance Date: 12/12/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 41 Carruth St., Dorchester, MA 02124

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

29 CFR 1926.501(b)(13): "Residential construction." The employer does not ensure that each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure.

This violation was most recently observed on Aug. 31, 2016 at a jobsite located at 41 Carruth Street Dorchester, MA when: (A) Employees reshingling were exposed to falls of over 20 feet to the ground below where fall protection was not utilized. To abate this violation, the employer must ensure that appropriate fall protection is in place to protect employees engaged in residential construction activities 6 feet or more above lower levels.

Prior violations include a violation of this Occupational Safety and Health Standard which was contained in:

The Roof Kings, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1926.501 (b)(11), which was contained in OSHA inspection number 1125663, Citation Number 02, Item Number 2 (awaiting final order date), with respect to a workplace located at 232 Main Street, Haverhill, MA 01830.

The Roof Kings, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1926.501 (b)(10), which was contained in OSHA inspection number 976371, Citation Number 01, Item Number 4a and was affirmed as a final order on 8/14/14, with respect to a workplace located at 101 Main Street, Medford, MA 02155.

The Roof Kings, LLC was previously cited for a violation of an equivalent Occupational Safety and Health Standard 29 CFR 1926.501 (b)(3), which was contained in OSHA inspection number 949570, citation number 1, item number 2 and was affirmed as a final order on 4/9/14, with respect to a workplace located at 31 Bowker Street Boston, MA.

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: 1174335
Inspection Date(s): 08/31/2016 - 08/31/2016
Issuance Date: 12/12/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 41 Carruth St., Dorchester, MA 02124

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/20/2016
Proposed Penalty: \$54872.00

A handwritten signature in black ink, appearing to read "James Mulligan", is written over a horizontal line.

James Mulligan
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
 639 Granite Street
 4th Floor
 Braintree, MA 02184
 Phone: 617-565-6924 Fax: 617-565-6923



INVOICE /
 DEBT COLLECTION NOTICE

Company Name: THE ROOF KINGS LLC
 Inspection Site: 41 Carruth St., Dorchester, MA 02124
 Issuance Date: 12/12/2016

Summary of Penalties for Inspection Number	1174335
Citation 1, Serious	\$16461.00
Citation 2, Willful	\$54872.00
TOTAL PROPOSED PENALTIES	\$71333.00

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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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 2 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.

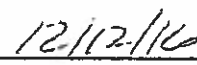
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



James Mulligan
Area Director



Date

EXHIBIT B

U.S. Department of Labor

Office of the Solicitor
John F. Kennedy Federal Building - Rm. E-375
Boston, Massachusetts 02203



Reply to the Attention of:

SOL: RRMinichiello:wjm
SOL: 16-00544

TEL: (617) 565-2500
FAX: (617) 565-2142

October 6, 2016

John X. Cerveny, Executive Secretary
Occupational Safety & Health Review Commission
One Lafayette Centre - Suite 990
1120 20th Street, N.W.
Washington, D.C. 20036-3419

Subject: Secretary of Labor v. The Roof Kings, LLC
OSHRC Docket No. 16-1524
OSHA Inspection No. 1125663

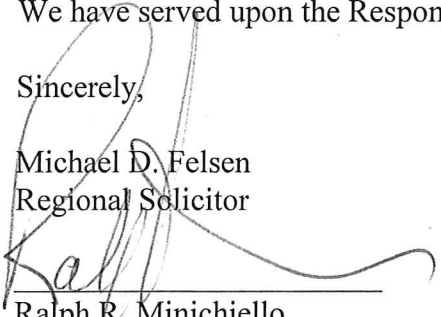
Dear Mr. Cerveny:

Enclosed for filing is the Secretary's Complaint in the above captioned matter.

We have served upon the Respondent a copy of the Complaint on this date.

Sincerely,

Michael D. Felsen
Regional Solicitor



Ralph R. Minichiello
Senior Trial Attorney

Enclosure

cc: Craig Galligan
Honorable John B. Gatto

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR, *
United States Department of Labor, *

Complainant, *

v. *

THE ROOF KINGS, LLC, *

Respondent. *

DOCKET NO. 16-1524

REGION I

INSPECTION NO. 1125663

COMPLAINT

Inspection has disclosed that at the times and in the manner hereinafter stated, the provisions of Sections 5(a)(1) and 5(a)(2) of the Occupational Safety and Health Act of 1970 (84 Stat.1590, 29 U.S.C.§651, et seq.), hereinafter referred to as the Act, and the Occupational Safety and Health standards promulgated thereunder have been violated. It is, therefore, averred and charged that:

I.

Jurisdiction of this action is conferred upon the Occupational Safety and Health Review Commission by Section 10(c) of the Act.

II.

Respondent is, and at all times hereinafter mentioned was a corporation, with an office and place of business located at 512 Gallivan Boulevard – Suite 3 in Dorchester, Massachusetts and is engaged in a roof construction business.

III.

During the course of business activities, Respondent and its employees are engaged in receiving, handling and otherwise working on and with goods and materials that are moving or have moved across state lines in interstate commerce. By virtue of aforesaid activities, Respondent is an employer engaged in a business affecting commerce within the meaning of Section 3(5) of the Act.

IV.

As a result of an inspection of Respondent's worksite at 232 Main Street in Haverhill, Massachusetts by an authorized representative on February 17, 2016, Respondent, an employer within the meaning of the Act, was issued Serious Citation 1, Items 1, 2a, 2b, 3, 4, 5a, 5b, 6a, 6b, 7a, 7b, 8a, 8b and 9, Willful Citation 2, Items 1, 2 and 3 and Repeat Citation 3, Item 1, dated August 1, 2016.

V.

The Citations attached hereto as Exhibit A, Exhibit B and Exhibit C identify the specific standards alleged to have been violated, describe said alleged violations, specify the abatement dates proposed for Serious Citation 1, Item 9, Willful Citation 2, Items 1, 2 and 3 and Repeat Citation 3, Item 1, acknowledge the correction of the alleged violations at the time of the inspection for Serious Citation 1, Items 1, 2a, 2b, 3, 4, 5a, 5b, 6a, 6b, 7a, 7b, 8a and 8b and set forth the penalties for said alleged violations.

VI.

At or about the time of the inspection herein, Respondent violated the standards set out in Exhibit A, Exhibit B and Exhibit C in the manner described therein.

VII.

The violations alleged in Citation 1, Items 1, 2a, 2b, 3, 4, 5a, 5b, 6a, 6b, 7a, 7b, 8a, 8b and 9, in the attached Exhibit A, are Serious violations within the meaning of Sections 17(b) and 17(k) of the Act in that there was substantial probability that death or serious physical injury could result from the conditions that existed and the Respondent knew, or with the exercise of reasonable diligence should have known of the presence of the violations.

VIII.

The violations alleged in Citation 2, Items 1, 2 and 3 in the attached Exhibit B are Willful violations within the meaning of Section 17(a) of the Act or the violations are Serious violations within the meaning of Sections 17(b) and 17(k) of the Act in that there was substantial probability that death or serious physical injury could result from the conditions that existed and the Respondent knew, or with the exercise of reasonable diligence should have known of the presence of the violations.

IX.

The violation alleged in Citation 3, Item 1 in the attached Exhibit C is a Repeat violation within the meaning of Section 17(a) of the Act in that Respondent has been previously cited for the same or similar violation which Citation became a Final Order of the Commission; or in the alternative, the alleged violation is a Serious violation within the meaning of Sections 17(b) and 17(k) of the Act in that there was substantial probability that death or serious physical injury could result from the conditions that existed and the Respondent knew, or with the exercise of reasonable diligence should have known of the presence of the violation.

X.

The Citations, attached hereto as Exhibit A, Exhibit B and Exhibit C, set forth the

penalties proposed for said alleged violations. Considering the gravity of the violations, the size of Respondent's business, Respondent's history of previous violations and good faith, as required under Section 17(j) of the Act, said penalties are appropriate.

XI.

The abatement dates as set forth in the Citations for Serious Citation 1, Item 9, Willful Citation 2, Items 1, 2 and 3 and Repeat Citation 3, Item 1, as well as the acknowledgement of the correction of the alleged violations at the time of the inspection for Serious Citation 1, Items 1, 2a, 2b, 3, 4, 5a, 5b, 6a, 6b, 7a, 7b, 8a and 8b, attached hereto as Exhibit A, Exhibit B and Exhibit C, represent the earliest practicable times in which Respondent could reasonably have been expected to abate the violations.

XII.

On August 1, 2016, the Citations and Notification of Penalty proposed were mailed to Respondent, proposing the penalties referenced in Paragraph V above.

XIII.

On August 12, 2016, Respondent filed with a representative of the Secretary of Labor a notification of intent to contest Serious Citation 1, Items 1, 2a, 2b, 3, 4, 5a, 5b, 6a, 6b, 7a, 7b, 8a, 8b and 9, Willful Citation 2, Items 1, 2 and 3 and Repeat Citation 3, Item 1 and the proposed penalties. This notification was duly transmitted to the Occupational Safety and Health Review Commission, pursuant to Section 10(c) of the Act.

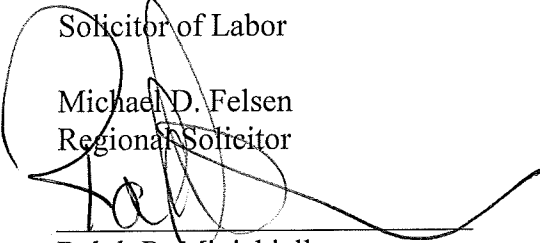
XIV.

WHEREFORE, the aforesaid Serious Citation 1, Items 1, 2a, 2b, 3, 4, 5a, 5b, 6a, 6b, 7a, 7b, 8a, 8b and 9, Willful Citation 2, Items 1, 2 and 3 and Repeat Citation 3, Item 1 and the proposed penalties should be affirmed.

Post Office Address:
U.S. Department of Labor
Office of the Regional Solicitor
JFK Federal Building
Room E-375
Boston, Massachusetts 02203
TEL: (617)565-2500
FAX: (617)565-2142

M. Patricia Smith
Solicitor of Labor

Michael D. Felsen
Regional Solicitor



Ralph R. Minichiello
Senior Trial Attorney

U.S. Department of Labor
Attorneys for Complainant

DATE: October 6, 2016

EXHIBIT A

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

Inspection Number: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to fall hazards while using a hoist as a ladder.

(*) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, employees were exposed to falls and possible collapse while using a material hoist as a ladder.

Among other methods, one feasible and acceptable abatement method to correct this hazardous condition would be to follow manufacturer's instruction and not use the hoist as a ladder, train employee on proper inspection, use and the erection of the material hoist.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 2 a Type of Violation: **SERIOUS**

29 CFR 1926.62(d)(1)(i): Each employer who had a workplace or operation covered by 29 CFR 1926.62 did not initially determine if any employee was exposed to lead at or above the action level of 30 micrograms per cubic meter of air (30 $\mu\text{g}/\text{m}^3$) calculated as an 8-hour time-weighted average (TWA):

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, employees were exposed to lead contaminates when the employer did not perform an initial determination of lead hazards when removing lead flashing on roof.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$1760.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.62(l)(1)(i): The employer did not ensure that at least the following Lead hazards were communicated to employee(s): reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects; and acute toxicity effects.

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, the employer failed to ensure that the hazards of lead were communicated to employees.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 1 Item 3 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.

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, employees were exposed to eye and face injuries when using pneumatic nail guns without proper eye protection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.252(a): An enclosed chute of wood, or equivalent material, was not used where materials were dropped more than 20 feet to points lying outside the exterior walls of the building(s):

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16, an enclosed chute was not used where roofing materials were dropped more than 20 feet outside the building.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1926.404(b)(1)(i): Employer did not use either ground fault circuit interrupters as specified in paragraph (b)(1)(ii) of this section, or an assured equipment grounding conductor program as specified in paragraph (b)(1)(iii) of this section to protect employees on construction sites.

(a) Location - 232 Main Street, Haverhill, MA:
On or about 2/18/2016, employees were exposed to electrical shock and burns when they were using portable electrical tools without GFCI Protection.

(b) Location - 232 Main Street, Haverhill, MA:
On or about 02/19/2016, employees were exposed to electrical shock and burns when they were using portable electrical tools without GFCI Protection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 1 Item 5 b Type of Violation: **SERIOUS**

29 CFR 1926.405(g)(1)(iii)(C): Flexible cords and cables were run through doorways, windows, or similar openings:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/18/16, employees were using an electrical extension cord that was run through a doorway.

(b) Location - 232 Main Street, Haverhill, MA:

On or about 2/19/16, employees were using electrical extension cords that were run through a doorway.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 6 a Type of Violation: **SERIOUS**

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/18/2016, employees were exposed to electric shock and burns when the employees were using an electrical outlet that did not have a continuous path to ground.

(b) Location - 232 Main Street, Haverhill, MA:

On or about 02/19/2016, employees were exposed to electric shock and burns when the employees were using an electrical extension cord that did not have a continuous path to ground (ground pin missing).

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.416(e)(1): Worn or frayed electric cords or cables were used:

(a) Location - 232 Main Street, Haverhill, MA:
On or about 2/17/16, employees were exposed to electric shock and burns while using an electrical cord that was frayed.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 7 a Type of Violation: **SERIOUS**

29 CFR 1926.502(d)(15): Anchorage used for attachment for personal fall arrest equipment was not capable of supporting at least 5,000 pounds (22.2 kN) per employee attached nor was it designed, installed and used as follows: As part of a complete personal fall arrest system which maintains a safety factor of at least two; and under the supervision of a qualified person.

(a) Location - 232 Main Street, Haverhill, MA (main steep roof):

On or about 2/18/16, employees were exposed to falls when the protection anchor was not secured properly to the peak of the roof.

(b) Location - 232 Main Street, Haverhill, MA (lower steep roof):

On or about 2/18/16, employees were exposed to falls when multiple employees were secured to the same anchor point which was also not properly secured.

(c) Location - 232 Main Street, Haverhill, MA (lower steep roof):

On or about 2/19/16, employees were exposed to falls when the protection anchor was not secured properly to the peak of the roof.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.502(d)(16)(iii): Personal fall arrest systems, when stopping a fall, were not rigged such that an employee could not free fall more than 6 feet (1.8 m) nor contact any lower level:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/18/16, employees were exposed to falls when the personal fall protection lanyard had more than a six foot free fall distance when working on the roof.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 8 a Type of Violation: **SERIOUS**

29 CFR 1926.1053(b)(5)(i): Non-self-supporting ladder(s) were not used at an angle such that the horizontal distance from the top support to the foot of the ladder was approximately one-quarter of the working length of the ladder:

(a) Location - 232 Main Street, Haverhill, MA:
On or about 2/19/16, employees were exposed to falls while using an extension ladder that was not used at the proper angle.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3080.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 1 Item 8 b Type of Violation: **Serious**

29 CFR 1926.1053(b)(22): Employees using ladders were carrying objects or loads that could cause the employee to lose balance and fall:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/19/16, an employee was exposed to falling while ascending and descending a ladder while carrying an object (leaf blower) which could cause the employee to lose balance and fall.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.1060(a): The employer did not provide a training program for each employee using ladders and stairways, as necessary, which would enable each employee to recognize hazards related to ladders and stairways and train each employee in the procedures to be followed to minimize these hazards.

(a) Location 232 Main Street, Haverhill, MA:

On or about 2/17/16 - 02/19/2016, the employer did not provide sufficient ladder training to each employee on the site who used ladders.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/14/2016
\$3080.00

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

EXHIBIT B

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

Inspection Number: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

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

29 CFR 1926.501(b)(10): The employer does not protect each employee engaged in roofing activities on low-slope roofs with unprotected sides and edges 6 feet or more above lower levels from falling by guardrail systems, safety net systems, personal fall arrest systems, or a combination of warning line system and guardrail system, warning line system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system. Or, on roofs 50-feet (15.25 m) or less in width, the employer does not protect each employee by use of a monitoring system:

This violation was most recently observed on 02/17/2016-02/19/2016 at a worksite at 232 Main Street, Haverhill, MA (front and rear of the building), where fall protection was not provided, exposing employees working from a low slope roof with a fall hazard greater than 19 feet.

To abate this violation, the employer must ensure that a fall protection system is in place to protect each employee working 6 feet or more above a lower level from falling.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$30800.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1926.501(b)(11): The employer does not protect each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest systems:

This violation was most recently observed on 02/17/2016-02/19/2016 at a worksite at 232 Main Street, Haverhill, MA (main steep roof, front lower steep roof and rear upper steep roof), where fall arrest systems were not provided, exposing employees working from a 8-pitch roof to a fall hazard greater than 45-feet.

To abate this violation, the employer must ensure that a fall protection system is in place to protect each employee working 6 feet or more above a lower level from falling.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$30800.00

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: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 2 Item 3 Type of Violation: Willful

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

This violation was most recently observed between 02/17/2016 - 02/19/2016 at a worksite at 232 Main Street, Haverhill, MA, where ladders used to access upper landing surfaces did not extend three feet beyond the landing surface, exposing employees to a fall hazard greater than 45 feet.

To abate this violation, the employer must ensure that when employees use a ladder to access an upper landing surface they are extend three feet beyond that landing surface.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$30800.00

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

EXHIBIT C

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

Inspection Number: 1125663
Inspection Date(s): 02/17/2016 - 02/17/2016
Issuance Date: 08/01/2016



Citation and Notification of Penalty

Company Name: THE ROOF KINGS LLC
Inspection Site: 232 Main Street, Haverhill, MA 01830

Citation 3 Item 1 Type of Violation: Repeat

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee potentially exposed to fall hazards to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards:

(a) Location - 232 Main Street, Haverhill, MA:

On or about 2/17/16 - 02/19/2016, the employer did not provide sufficient fall protection training to each employee on the site who was exposed to fall hazards.

The Roof Kings, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1926.503 (a)(1), which was contained in OSHA inspection number 949570, citation number 1, item number 3 and was affirmed as a final order on 4/9/14, with respect to a workplace located at 31 Bowker Street Boston, MA.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/14/2016

Proposed Penalty:

\$6160.00

Anthony Covello
Area Director

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

NOTICE TO: THE ROOF KINGS, LLC

You are hereby notified that you must file an Answer to this Complaint within twenty (20) days of your receipt of this Complaint. If you do not file an Answer to this Complaint within twenty (20) days, or request an extension, judgment may be entered against you.

29 C.F.R. § 2200.34 provides in pertinent part: "The answer shall contain in short and plain terms a response to each allegation of the complaint which the party intends to contest." Any allegation not denied shall be deemed admitted.

29 C.F.R. § 2200.35 provides in pertinent part: "All answers, petitions for modification of abatement period, or other initial pleadings filed under these rules by a corporation shall be accompanied by a separate declaration listing all parents, subsidiaries, and affiliates of that corporation or stating that the corporation has no parents, subsidiaries, or affiliates, whichever is applicable."

For further information regarding the required content of an Answer, including any affirmative defenses, see 29 C.F.R. § 2200.34 and § 2200.35.

Your Answer should be filed by mailing the original to the Administrative Law Judge assigned to this case, and by mailing a copy of same to the Regional Solicitor's Office, U.S. Department of Labor, JFK Federal Building, Room E-375, Boston, Massachusetts, 02203. If no Judge has been assigned yet, you should mail the original to the Occupational Safety and Health Review Commission, One Lafayette Centre, 1120 20th Street, N.W., Room 980, Washington, D.C. 20036-3419.

CERTIFICATE OF SERVICE

I, hereby do certify that I served the Secretary's COMPLAINT on the 6th day of October, 2016 on Respondent by placing one (1) copy of the Complaint in a postage paid envelope:

Craig Galligan
The Roof Kings, LLC
512 Gallivan Boulevard – Suite 3
Dorchester, Massachusetts 02124

the last known address, and depositing same in the United States mail at Boston, Massachusetts.


William J. Mahoney, Jr.

EXHIBIT C

EXHIBIT A

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

 SECRETARY OF LABOR, United States *
 Department of Labor, *
 *
 Complainant, *
 * DOCKET NO. 16- 1524
 v. *
 * REGION I
 THE ROOF KINGS, LLC *
 * INSPECTION NO. 1125663
 Respondent. *

SETTLEMENT AGREEMENT

The Respondent, Roof Kings, LLC (Roof Kings), and the Secretary of Labor have reached a full and complete settlement of OSHRC Docket No. 16-1524 under Rule 2200.100 of the Occupational Safety and Health Review Commission. Also, included in this Agreement is resolution of the following three (3) outstanding OSHA cases against Roof Kings: (1) Inspection Number 1174335 (OSHA Braintree Area Office); (2) Inspection Number 976371 (OSHA Andover Area Office); and, (3) Inspection Number 949570 (OSHA Andover Area Office). These three cases, in which citations were issued and penalties proposed, were not litigated before the Commission in this proceeding or any other Commission proceeding; and, thus, do not have docket numbers. However, in entering into the instant Agreement, it is the Parties understanding that all citations issued in the three above-referenced inspections will stand as issued, and that all outstanding penalties will be considered paid, in accordance with the payment installment schedule outlined below in paragraph six (6).

(1) This Agreement applies to the work places maintained by Roof Kings and its successors, and to all worksites where it performs or participates in the management of any work activities associated with roofing activities.

(2) On August 1, 2016, Roof Kings was issued Serious Citation 1, Items 1,2,3,4,5,6,7, and 8;

Willful Citation 2, Items 1, 2, and 3; and, Repeat Citation 3, Item 1, all alleging violations of the Occupational Safety and Health Act of 1970, 29 USC 651(Act), and was issued a Notification of Penalty proposed in the amount of \$124,960.00.

(3) Roof Kings, an employer within the meaning of Section 3(5) of the Act, duly filed with a representative of the Secretary of Labor a notice of intent to contest the aforementioned Citations. This notice was duly transmitted to the Review Commission and it is agreed that jurisdiction of this proceeding is conferred upon said Commission by Section 10 (c) of the Act.

(4) The Secretary of Labor has filed the Complaint herein stating with particularity the violations alleged, the penalties proposed and the issues in contest before the Commission.

(5) The parties have agreed to resolve this matter without the necessity of further pleadings or litigation as follows:

- (a) Serious Citation 1, Items 1, 2, 3, 4, 5, 6, 7, 8, and 9 are affirmed as originally issued, along with the proposed combined penalties of \$26,400;
- (b) Willful Citation 2, Items 1, 2, and 3 are affirmed as originally issued and their combined penalties of \$92,400 are amended to \$39,440;
- (c) Repeat Citation 3, Item 1 is affirmed as originally issued, along with the proposed penalty of \$6,160;
- (d) Total amended proposed penalty is \$72,000.

PAYMENT

(6) Payment of the total amended penalty of \$72,000 for above-captioned Docket No. 16-1524 also shall be considered full payment for all outstanding proposed penalties assessed in the three inspections incorporated into this Agreement by reference in the introductory paragraph above.

(7) Said \$72,000 amended penalty shall be paid in sixty (60) monthly installment payments. The first installment will be in the amount of \$1200.00, and will be due and payable upon the execution of

this Settlement Agreement. The remaining fifty-nine (59) installments will each be in the amount of \$1200.00 and will be due on the 1st day of each month, beginning with the first due date of September 1, 2017, and concluding with the due date of July 1, 2022. If the due date of the 1st should fall on a holiday or weekend, the payment will be due on the next business day. All of the fifty-nine (59) installments are to be mailed to the attention of Area Director, OSHA, 138 River Road, Suite 102, Andover, MA 01810. If any of the installments should be delinquent for more than fifteen (15) days from the first business day of the respective month, then the original penalty of \$124,960 assessed for Docket No 16-1524 and all outstanding proposed penalties of \$88,986.58 in OSHA inspections numbers 1174335, 976371, and 949570 shall become due and payable, minus any previously paid installments.

ABATEMENT

(8) By its signature hereto, Roof Kings certifies, under penalty of perjury, based on personal knowledge, information and belief: that each specific violative condition observed on February 17, 2016 as set forth in the Citations herein has been abated. For each item in the Citations which is affirmed in this Agreement, Roof Kings will submit to the issuing Area Director (an Abatement Certification as required by 29 C.F.R. §1903.19 (c). For each item, such certification shall be submitted within thirty (30) days of signing this Agreement or within ten (10) days of the abatement date described herein, whichever is later. Roof Kings also agrees to submit such abatement documentation as is required by 29 C.F.R. 1903.19 (d). Roof Kings further agrees to take the steps, implement the programs and employ the personnel as are reasonably necessary, as part of its continuing obligations, to remain in compliance with the Act.

(9) Roof Kings agrees that the abatement measures specified in Paragraph 10 of this Settlement Agreement will be completed according to the terms of the Agreement and further agrees that failure to complete any such measure for which there is designated a specific abatement date shall (unless Roof Kings has obtained an extension of the abatement period from the Area Director or through a petition for modification of abatement) constitute a failure to abate as defined at Section 10(b) of the Act. All

substantive agreements, specified in Paragraph 10 for which no specific time period has been set shall also be treated as abatement obligations within the meaning of Section 17(d) of the Act, and shall be subject to enforcement under that section where OSHA determines that Roof Kings has not substantially complied with the provision, has not made a good faith effort to do so, and that Roof Kings was aware, or with the exercise of reasonable diligence should have been aware of the noncompliance.

(10) Roof Kings shall affirmatively take the following actions to enhance employee health and safety upon the execution of this Agreement:

(a) Management Leadership and Employee Involvement:

1. *Management Commitment.* Roof Kings will affirm the importance of safety and health protection for every employee within fifteen (15) days of the execution of this Agreement. This commitment shall be communicated in writing to all company employees through the issuance of a clear policy on safe and healthful working conditions;
2. *Program Resources:* Roof Kings will commit sufficient resources, financial and otherwise to conduct pre-job employee briefings, as described in "Safety Huddles" below, to provide all necessary training, and to have an annual safety and health audit conducted by a qualified safety and health consultant.

(b) Worksite Analysis:

1. *Job Inventory, Job Hazard Analysis and Standard Operating Procedures:* Within thirty (30) days of the execution of this Settlement Agreement, Roof Kings will conduct a job inventory to identify the typical kinds of jobs performed by the Company. For each job type identified, Roof King will perform or have performed a Job Hazard Analysis ("JHA") to identify the tasks performed during the conduct of the job and determine the hazards associated with those tasks. Roof Kings will then develop Standard Operating Procedures ("SOP"s) for each of those jobs based on the hazards identified in the JHA. The SOP will incorporate all the controls necessary to address the hazards identified in the JHA, such controls may include job training, safety and health training, use of barriers or guards, control of hazardous energy sources and use of personal protective equipment for each phase of the work to be performed.
2. *Safety Huddles:* Roof Kings will establish and implement a system of pre-job briefings ("Safety Huddles") to review the SOP for the anticipated job, and to insure that all training, equipment and materials necessary for the safe performance of the job have been provided.
3. *Employee Empowerment:* Roof Kings will ensure that all employees are trained to recognize hazards at the worksite and directed to report any hazard so that it can be corrected as soon as possible. Roof Kings will develop and encourage the use of a reporting form by which employees can report a safety or health problem and a suggestion form for

making safety and health suggestions.

4. Annual Audit: A comprehensive safety and health audit shall be conducted annually by an independent, qualified safety and health consultant. The audit shall include observation of jobs currently in process; review of written programs and procedures; records review; employee interviews; and, an overall assessment of the completeness and effectiveness of the health and safety program. Each year, commencing in June of 2018, and for the next five (5) years, Roof Kings shall submit a copy of such annual audits to the Anthony Cavalla, OSHA Area Director, 138 River Road, Suite 102, Andover, MA 01810.

(c) Hazard Prevention and Control

1. Halt-to-Work Procedure: Within thirty (30) days of the execution of this Settlement Agreement, Roof Kings will develop and implement a "Halt-to-Work" procedure that will authorize employees to stop work on any job that is presenting an imminent danger hazard.

2. Roofing Permit Procedure: Within thirty (30) days of the execution of this Settlement Agreement, Roof Kings will develop and implement a permit system for all roofing work to be performed at a height of 6 feet above the ground or immediately lower working level. The permit system will be designed to identify and evaluate the hazards with roofing operations prior to beginning elevated work, and will specify the means by which those hazards will be controlled. The types of conditions that the permit will address and document shall include:

- Identification of the Primary Competent Person
- Height and Pitch of Roof Work Areas
- Fall Protection Method Employed
- If a Monitor System is Applicable and Employed, Identification of the Monitor.

The permit will document the procedures, types of equipment and gear necessary for the safe performance of the job, including, but not limited to, personal protective equipment (e.g., hard hats, harnesses and lanyards, and other fall protection systems), anchorage points, safe means of access to elevated work areas, etc. The permit will identify the location of the roofing work and the date, greatest heights at which roofing will be performed, and authorized duration of the permit. The permit will identify the employees who will be working on the roof(s). The permit will be signed and dated by the competent person overseeing the roofing work. Multiple crews working on separate roofs on the same project will require separate permits for each roof. If the roofing conditions change, increasing the potential falls, the work shall be stopped, procedures and equipment re-evaluated and a new permit issued to document the observed conditions and any new requirements. Permits shall be retained for at least three years and will be available to OSHA upon request and available at the roofing worksite.

(d) Comprehensive Safety and Health Program

Within six (6) months after the signing of this Agreement, Roof Kings shall develop and implement a Comprehensive Safety and Health Program. The Comprehensive

Safety and Health Program shall include at a minimum:

1. Clear identification of the person(s) assigned overall safety and health responsibilities for Roof Kings, together with a clear definition of the authority and resources given to that assignment;
2. A description of the safety and health responsibilities of managers and supervisors and a statement of accountability appropriate to each;
3. A description of the methods used to identify, evaluate, and control safety and health hazards;
4. Provision for employee involvement in safety and health matters to take advantage of their knowledge of their jobs and work environment, and to assure adequate and full communication in regard to safety and health issues and their resolutions;
5. A system for investigating all accidents and reported near misses to identify all contributing causes and implement controls;
5. A procedure to encourage employees to report hazards to management as soon as possible and to require management to address such reports promptly;
7. A comprehensive training program to ensure that:
 - (i) All employees understand the hazards to which they may be exposed;
 - (ii) All employees know the means to prevent harm to themselves and others from exposure to these hazards;
 - (iii) All employees accept and follow established safety and health protections;
 - (iv) All managers carry out their safety and health responsibilities effectively.
 - (v) Supervisors shall be trained to understand the key role they play in job site safety and to enable them to carry out their safety and health responsibilities effectively. Training programs for supervisors shall include the following topics: Analyzing the work under their supervision to anticipate and identify potential hazards during each phase of the work; Maintaining physical protection in their work areas; Reinforcing employee training on the nature of potential hazards in their work and on needed protective measures through continual performance feedback and, if necessary, through enforcement of safe work practices; and, understanding their safety and health responsibilities.

(11) Roof Kings agrees that for a period of five (5) years from the date of the signing of this Agreement, advance notice will be provided in writing, to the OSHA Area Office with jurisdiction over the particular work site, of all roofing jobs to be undertaken by Roof Kings, such notice to include the date and location of the job, duration of the job and a description of the work (type of repair or new work, height of roofs to be worked on).

(12) Roof Kings agrees that for a period of five (5) years from the date of the signing of this Agreement, OSHA may enter upon its premises without the need to obtain a warrant to so do, and further

that during this five (5) year period, OSHA may have full and free access to documents related to abatement and compliance with this Settlement Agreement without the need to serve a subpoena for the production of such documents.

(13) In view of the aforesaid, Roof Kings hereby withdraws its Notice of Contest and the parties agree that the Citations and proposed penalties, and the abatement measures as amended by this agreement, shall be affirmed and become the final order of the Occupational Safety and Health Review Commission. Roof Kings agrees that this Agreement, and the terms hereto, including the Citations, proposed penalties and the abatement measures and dates as amended herein shall become a Final Order of the Commission and shall be enforceable under Section 11(b) of the Act. Roof Kings also agrees that it will not oppose the entry of such 11(b) 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.

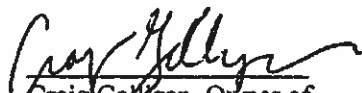
(14) Roof Kings agrees to comply with the Act in all respects in the future. Roof Kings further certifies that the first installment of the amended penalty, in the amount of \$1200.00 has been paid upon the execution of this Settlement Agreement.

(15) Roof Kings certifies that there is no authorized employee representative, at its workplace, as there is no Union. It is hereby certified by Roof Kings that this Settlement Agreement has been served on employees, by posting this agreement in a place where the Citations were required to be posted on _____ 2017 in accordance with Commission's 7 an 100 of Rules of Procedure.

(16) Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

(17) Roof Kings consent to the entry of a final order by the Commission pursuant to this Settlement

Agreement shall not constitute an admission by Roof Kings of a violation of the Act in any proceedings other than proceedings brought directly under the provisions of the Occupational Safety and Health Act of 1970, including, but not limited to, any citations issued or penalties proposed by the Secretary under the provisions of the Act.


Craig Galligan, Owner of
Roof Kings, LLC

Post Office Address:

U.S. Department of Labor
Office of the Regional Solicitor
JFK Federal Building
Room E-375
Boston, Massachusetts 02203
TEL: (617)565-2500
FAX: (617)565-2142


Michael D. Felsen
Regional Solicitor

Ralph R. Minichiello, Senior Trial Attorney
Senior Trial Attorney
U.S. Department of Labor
Attorneys for Complainant
Dated 7/27, 2017

EXHIBIT D



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
100 Alabama St. S.W
Building 1924 Room 2R90
Atlanta, GA 30303-314

SECRETARY OF LABOR,
Complainant,

v.

THE ROOF KINGS, LLC,
Respondent.

OSHR Docket No. 16-1524

ORDER OF ERRATUM

Pursuant to Commission Rule 90(b)(3), the Final Consent Order is corrected Nunc Pro Tunc to properly reflect the party respondent as "The Roof Kings, LLC." See the attached Final Consent Order.

SO ORDERED.


JOHN B. GATTO, Judge

Dated: August 24, 2017
Atlanta, GA



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
100 Alabama St. S.W
Building 1924 Room 2R90
Atlanta, GA 30303-314

SECRETARY OF LABOR,
Complainant,

v.

THE ROOF KINGS, LLC,
Respondent.

OSHRC Docket No. 16-1524

FINAL CONSENT ORDER

The parties have submitted a settlement agreement in the above-captioned case pursuant to Commission Rule 100. *See* 29 C.F.R. § 2200.100. The Court notes the time has expired for affected employees or authorized employee representatives to elect party status, or if party status has been elected, to file an objection to the reasonableness of any abatement time. *See* 29 C.F.R. § 2200.100(c). Accordingly,

IT IS HEREBY ORDERED THAT having examined the settlement agreement, said agreement is approved under 5 U.S.C. § 554(c)(1) and 29 C.F.R. § 2200.100(c), and is adopted and incorporated herein by reference as part of this Final Consent Order. The citation items are affirmed, modified, or vacated in accordance with the terms of the settlement agreement.

SO ORDERED.



JOHN B. GATTO, Judge

Dated: August 24, 2017
Nunc Pro Tunc, August 11, 2017
Atlanta, GA

CERTIFICATE OF SERVICE

This is to certify that a copy of the Notice of Decision and the Final Consent Order were served on the parties listed below electronically through the E-Filing system by first class mail on August 24, 2017.

For the Secretary:

Michael D. Felsen
Regional Solicitor
U.S. Department of Labor
Office of Solicitor
John F. Kennedy - Federal Office Building
Government Center, Room E-375
Boston, MA 02203
Attn: Ralph R. Minichiello, Esq.

For the Employer:

Craig Galligan, Owner
512 Gallivan Boulevard, Suite 3
Dorchester Center, MA 02124

Ruth D. Wynn

Ruth D. Wynn, Lead Legal Asst.

Post Office Address:
Judge John B. Gatto
100 Alabama St. S.W.
Building 1924, Room 2R90
Atlanta, GA 30303-3104
(404) 562-1640 FAX

EXHIBIT E



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.

The Roof Kings, LLC,

Respondent.

Region 1

OSHRC Docket No. 16-1524

OSHA Inspection No. 1125663

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 08/25/2017. The decision of the Judge will become a final order of the Commission on 09/25/2017 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 09/14/2017 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

Charles F. James, 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. Cerveney
Executive Secretary

/s/

Sontia Myles, Legal Clerk

Date: 08/25/2017

This notice has been sent to:

Michael D. Felsen, Office of the Solicitor, U.S. DOL
John F. Kennedy - Federal Office Building, Government Center, Room E-375
15 New Sudbury Street
Boston, Massachusetts 02203

Craig Gilligan Owner
512 Gallivan Blvd, Suite 3
Dorchester Center, MA 02124

United States Court of Appeals For the First Circuit

NOTICE TO ALL CM/ECF USERS REGARDING "NATIVE" PDF REQUIREMENT

All documents filed electronically with the court must be submitted as "native" Portable Document ("PDF") files. See Rule 1 of the [Administrative Order](#) Regarding Case Management/Electronic Case Files System ("CM/ECF"). A **native PDF file** is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. A **scanned PDF file** is created by putting a paper document through an optical scanner. Use a scanner ONLY if you do not have access to an electronic version of the document that would enable you to prepare a native PDF file.

If you fail to file a document in the correct format, you will be asked to resubmit it. Instructions for converting Word or WordPerfect documents to PDF are available on the court's website at http://www.ca1.uscourts.gov/sites/ca1/files/WP_Conversion.pdf.

United States Court of Appeals For the First Circuit

NOTICE TO COUNSEL AND *PRO SE* LITIGANTS

Since this case will be governed by the Federal Rules of Appellate Procedure and the First Circuit Local Rules, you should familiarize yourself with both sets of rules. Your attention is called specifically to the requirements listed below.

ECF FILING: Electronic filers must familiarize themselves with the Administrative Order Regarding Case Management/Electronic Case Filing (CM/ECF), complete the mandatory Electronic Learning Modules (ELMs) and review the CM/ECF User's Guide located on the court's website for guidance on filing using CM/ECF.

TRANSCRIPT REPORT/ORDER FORM: Appellant must immediately order any necessary transcripts from the court reporter, using the form specified in 1st Cir. R. 10.0(b). Within 14 days after the appeal is docketed, appellant must file a copy of the transcript report/order form with the circuit clerk.

TIMELINESS: A document filed using CM/ECF is deemed filed at the date and time stated on the Notice of Docket Activity from the court. Unless otherwise required by statute, rule, or court order, filing must be completed by midnight in Boston to be considered timely filed that day. For parties who are exempt from CM/ECF, a brief is timely if it is mailed by First-Class Mail, hand-delivered to the clerk or given to a commercial carrier for three day delivery on the due date set in the schedule or order. All other papers must be received by the clerk's office within the time fixed for filing. Fed. R. App. P. 25(a)(2).

SEALED MATERIAL: To avoid the need to seal the entire brief or appendix, counsel shall place sealed or confidential material in a separate, sealed volume of the brief or appendix. 1st Cir. R. 11.0. Sealed documents and motions for permission to file a document under seal should be filed only in paper form in compliance with 1st Cir. R. 11.0(c) and 1st Cir. R. 30.0(f). See Rules 1 and 7 of the Administrative Order Regarding CM/ECF.

REFERENCES TO THE RECORD REQUIRED IN BRIEFS: To enable the court to verify the documentary bases of the parties' arguments, factual assertions must be supported by accurate references to the appendix or to the record. Counsel should ensure that transcripts cited in the briefs have been filed and made a part of the record on appeal. The appellant is responsible for preparing the appendix.

MOTIONS TO ENLARGE FILING DATES OR LENGTH OF BRIEFS: Motions for extensions of time to file briefs or to file briefs in excess of applicable length limitations are discouraged. Any such request must be made by a motion filed well in advance of the date the brief is due and must set forth the additional time or length requested and detailed reasons for the request. 1st Cir. R. 32.4.

CERTIFICATE OF SERVICE: The court will not consider any motion, brief or document that has not been served on all parties. Therefore, all documents submitted for filing must contain a statement, preferably attached to the document's last page, indicating the date of service, the manner of service and the names and addresses of the persons served. Fed. R. App. P. 25. ECF Filers must include certificates of service with any electronically filed document which state whether the parties being served are ECF Filers being served electronically by the Notice of Docket Activity or whether they are being served using an alternate method of service permitted by Fed. R. App. P. 25(c)(1), and, if so, which method.

CORPORATE DISCLOSURE STATEMENT: Counsel representing corporations in proceedings before the court must include a corporate disclosure statement with the first document filed with the court, and **again** in front of the table of contents in a party's principal brief. Fed. R. App. P. 26.1.

EXHIBIT 3

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

EUGENE SCALIA,
SECRETARY OF LABOR,

Petitioner,

v.

THE ROOF KINGS, LLC,

Respondent.

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: No. 19-____
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DECLARATION OF ANTHONY COVELLO

Pursuant to 28 U.S.C. § 1746, I, Anthony Covello, declare under penalty of perjury, that the following is true and correct:

1. I am the Area Director of the Andover Area Office of the Occupational Safety and Health Administration (“OSHA”). The Andover Area Office is located at 138 River Road, Suite 102, Shattuck Office Center, Andover, Massachusetts 01810.
2. OSHA also maintains an Area Office in Braintree, Massachusetts. The Braintree Area Office is located at 639 Granite Street, Fourth Floor, Braintree, Massachusetts 02184.
3. The Roof Kings, LLC (“Roof Kings”) is a roofing contractor in the greater Boston, Massachusetts area. The company is located at 101

Holmes Street, #1D, Quincy, Massachusetts. The company performs roofing work within the jurisdiction of the Andover and Braintree Area Offices.

4. During the period of November 2013 to August 2016, the Andover and Braintree Area Offices conducted four separate inspections of Roof Kings worksites in the greater Boston area (Inspection Numbers 949570, 976371, 1125663 and 1174335).
5. Following Inspection Number 949570 and Inspection Number 1174335, the Braintree Area Office issued citations to Roof Kings, alleging multiple serious and/or willful violations of fall protection, training, personal protective equipment, ladder and other requirements.
6. Following Inspection Number 976371 and Inspection Number 1125663, the Andover Area Office issued citations to Roof Kings, alleging multiple serious, repeat and/or willful violations of fall protection, training, personal protective equipment, ladder and other requirements.
7. Roof Kings failed to timely contest the citations issued in Inspection Numbers 949570, 976371 and 1174335, and those citations and penalties became three separate final orders of the Occupational Safety and Health Review Commission (“Commission”) by operation of law.

8. Roof Kings timely contested Inspection Number 1125663. On July 27, 2017, the Secretary and Roof Kings executed a settlement agreement resolving the thirty-two citation items and penalties totaling \$214,693.00, which arose from all four inspections.
9. The settlement agreement required Roof Kings to provide abatement certification for the citations affirmed in the settlement agreement, take specific actions to enhance employee health and safety, provide written notice of its roofing jobs to the OSHA Area Office with jurisdiction for a period of five years, and pay an amended penalty of \$72,000.00 in sixty monthly installments from September 2017 to July 2022.
10. On August 24, 2017, an administrative law judge (“ALJ”) of the Commission issued a consent order, approving the settlement agreement and adopting and incorporating it as part of the consent order. The ALJ’s order became the Commission’s final order on September 25, 2017.
11. On May 8, 2018, the Department of Labor filed a petition to enforce the Commission’s final order under section 11(b) of the Occupational Safety and Health Act, 29 U.S.C. § 660(b) against Roof Kings.
12. Following the filing, on May 31, 2018, Roof Kings made a single \$1200 payment to OSHA.

13. On October 18, 2018, the First Circuit Court of Appeals issued a Judgment enforcing the Commission's final order under section 11(b) of the Occupational Safety and Health Act, 29 U.S.C. § 660(b) against Roof Kings.
14. Following issuance of the First Circuit Judgment, on November 16, 2018, Roof Kings made a single \$1200 payment to OSHA.
15. To date, Roof Kings has failed to provide proof of abatement, take the agreed-upon actions to enhance employee health and safety, and has not given the OSHA Area Office with jurisdiction written notice of its roofing jobs.
16. To date, Roof Kings has failed to pay the affirmed penalties according to the installment plan. Accordingly, its delinquencies reverted the penalties in the aforementioned OSHA inspections to the originally proposed amounts. Roof Kings now owes \$206,093.00 in outstanding penalties.
17. According to corporate registration records with the Massachusetts Secretary of State, Craig Galligan is the manager, corporate signatory and agent of Roof Kings.
18. During the aforementioned OSHA inspections, Mr. Galligan signed the settlement agreement as owner of Roof Kings.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 08, 2019

ANTHONY COVELLO
Area Director
Andover Area Office
Occupational Safety and Health Administration

