

LOS RIOS COMMUNITY COLLEGE DISTRICT

PURCHASE ORDER NO 0001109285

COMPL

PURCHASING: (916) 568-3071 • FAX: (916) 568-3145
ACCOUNTING OPS: (916) 568-3065 • FAX: (916) 286-3636

PLEASE SEE REVERSE SIDE FOR TERMS AND CONDITIONS.

Supplier: 0000001462
DEPARTMENT OF INDUSTRIAL RELATIONS
CAL- OSHA PENALTIES
PO BOX 516547
LOS ANGELES CA 90051-0595

email:

| Date | Revision | Page |
|-----------------------------|-----------------|-------------|
| 11/06/2019 | | 1 |
| Payment Terms | Freight Terms | Ship Via |
| NET 30 | Shipping Point | See Details |
| Reference: | Location / Dept | |
| 1023280 VANDER WERFW HANEYB | 04ADMN112 ADMIN | |

Ship To: FOLSOM LAKE COLLEGE
RECEIVING
10 COLLEGE PARKWAY
FOLSOM CA 95630
United States

Bill To: 1919 Spanos Court
Sacramento CA 95825-3981
United States

Tax Exempt? N

| Line-Sch | Item/Description | Quantity UOM | PO Price | Extended Amt | Due Date |
|----------|---|--------------|-----------|--------------|------------|
| 1- 1 | SECTION 342 (A) TYPE R ADJUSTMENT FACTORS APPLIED FOR LATE REPORT. PENALTY REDUCED. | 1.00 CHG | 3,000.00 | 3,000.00 | 11/14/2019 |
| 2- 1 | SECTION 4300.1 (C) TYPE S CITATION AND PENALTY REMAIN AS ISSUED. | 1.00 CHG | 18,000.00 | 18,000.00 | 11/14/2019 |

PREPAY CAL-OSHA PENALTY PAYMENT- SEE ATTACHMENT
PLEASE REFERENCE INSPECTION NUMBER: 1291727

Paid Ch#94-787509
11/12/19 Amt \$ 21000.00

| | |
|------------------|-----------|
| Sub Total Amount | 21,000.00 |
| Sales Tax Amount | 0.00 |
| Total PO Amount | 21,000.00 |

| BU | Acct | Fd | Org | Prog | Sub | Proj | Amount | BYear |
|-------|------|----|------------|-------|-------|------|-----------|-------|
| GENFD | 5890 | 11 | FL.VA.PROJ | 65100 | 00000 | 051C | 21,000.00 | 2020 |

0001023280CHAVEZA04-NOV-2019

Verification of this purchase order can be made using the Los Rios Community College District web site listed below.
If you have any questions, please contact the Purchasing Office at (916)568-3071.

<http://www.losrios.edu/purchasing/povalidation>

All shipments, invoices, and correspondence must be identified with our Purchase Order Number. Overshipments will not be accepted unless authorized by Buyer prior to shipment.

Authorized Signature



Notice to vendor: You are responsible for delivering goods and delivery documents to the Receiving Department at the site. Failure to do so will delay payment processing. Vendor is responsible for obtaining verification of delivery by authorized Receiving Room personnel. Receipt of goods by other parties and failure to obtain authorized signatures may also delay payment. NOTE: PAYMENT TERMS NET 30
MATERIAL SAFETY DATA SHEETS (MSDS) must be provided with the delivery of product as required by law.

Requisition

Supplier: DEPARTMENT OF INDUSTRIAL RELATIONS 0000001462
PO BOX 516547
LOS ANGELES CA 90051-0595
United States

email:

Ship To: RECEIVING
10 COLLEGE PARKWAY
FOLSOM CA 95630-6798

| | | |
|----------------------------------|------------|-------------|
| Business Unit: GENFD | | OPEN |
| Req ID: | Date | Page |
| 0001023280 | 10/31/2019 | 1 |
| Requisition Name: | | |
| OSHA SETTLEMENT ORDER | | |
| Requester | | |
| Augustine Chavez | | |
| Requester Signature | | |
| Buyer: Brenda Haney | | |
| Approved: | | |
| Entered By: VANDER W 31-OCT-2019 | | |

| Line-Schd | Description | Quantity | UOM | Price | Extended Amt | Due Date |
|-----------|---|----------|-----|-----------|--------------|------------|
| 1-1 | SECTION 342 (A) TYPE R ADJUSTMENT FACTORS APPLIED FOR LATE REPORT. PENALTY REDUCED. | 1 | CHG | 3,000.00 | 3,000.00 | 11/14/2019 |
| 2-1 | SECTION 4300.1 (C) TYPE S CITATION AND PENALTY REMAIN AS ISSUED. | 1 | CHG | 18,000.00 | 18,000.00 | 11/14/2019 |

21,000.00 Sub-total
0.00 Est. tax

Total Requisition Amount: 21,000.00

PREPAY CAL-OSHA PENALTY PAYMENT- SEE ATTACHMENT
PLEASE REFERENCE INSPECTION NUMBER: 1291727

| BU | Acct | Fd | Org | Prog | Sub | Proj | Amount |
|-------|------|----|------------|-------|-------|------|-----------|
| GENFD | 5890 | 11 | FL.VA.PROJ | 65100 | 00000 | 051C | 21,000.00 |

| | | |
|--------------------|--------------------|--------------------|
| Approval Signature | Approval Signature | Approval Signature |
|--------------------|--------------------|--------------------|

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 VENTURE OAKS WAY, SUITE 300
SACRAMENTO, CA 95833

ATTN: Melissa Williams
Folsom Lake College
10 College Parkway
Folsom, CA 95630

DECLARATION OF SERVICE BY MAIL OR EMAIL

Inspection Number
1291727

I, Nichole Franco, declare:

1. I am at least 18 years of age, not a party to this action, and I am employed in Sacramento County at 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
2. On 10/24/2019, I served a copy of the attached Settlement Order in an envelope addressed as shown below and placed the envelope for collection and mailing on the date and at the place shown in item 3 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
3. Date mailed: 10/24/2019 Place mailed: (city, state): Sacramento, CA

ATTN: Melissa Williams
Folsom Lake College
10 College Parkway
Folsom, CA 95630

4. On 10/24/2019, I electronically served the document listed in item 2 as follows:

| NAME OF PERSON SERVED | ELECTRONIC SERVICE ADDRESS |
|------------------------------------|--|
| <u>Chris Grossgart, DOSH Legal</u> | <u>cgrossgart_doshlegal@dir.ca.gov</u> |
| <u>Rocio Reyes, DOSH Legal</u> | <u>rreyes_doshlegal@dir.ca.gov</u> |
| <u>DOSH Northern Office</u> | <u>doshlegal_oak@dir.ca.gov</u> |
| <u>Marie Blake</u> | <u>MBlake@dir.ca.gov</u> |
| <u>Aaron Silva</u> | <u>asilva@murphyaustin.com</u> |
| <u>Kathryn A Tanner</u> | <u>ktanner@dir.ca.gov</u> |

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

Nichole Franco

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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

In the Matter of the Appeal of:

**FOLSOM LAKE COLLEGE
10 COLLEGE PARKWAY
FOLSOM, CA 95630**

Employer

Inspection No.
1291727

SETTLEMENT ORDER

The above-entitled matter is resolved pursuant to this Order and as set forth in the attached Summary Table.

The parties stipulate that no findings or conclusions have been made by any trier-of-fact regarding the citations and fines at issue herein, unless otherwise specified below.

IT IS STIPULATED by and between the parties that the settlement terms and conditions are not intended to be and shall not be construed by anyone or any proceeding as an admission of negligence, fault, or wrongdoing whatsoever by employer.

The parties further stipulate that neither employer's agreement to compromise this matter nor any statement contained in this agreement shall be admissible in any other proceeding, either legal, equitable, or administrative, except for purposes of administration and enforcement of the California Occupational Safety and Health Act and in proceedings before the Appeals Board.


Employer agrees to waive any rights it might have pursuant to Labor Code section 149.5 or California Code of Regulations, title 8, section 397 to petition for or recover costs or fees, if any, incurred in connection with this appeal.

In *Central Valley Engineering & Asphalt*, Cal/OSHA App. 08-5001, Decision After Reconsideration (December 4, 2012) and *SDUSD-Patrick Henry High School*, Cal/OSHA App. 11-1196, Decision After Reconsideration (December 4, 2012), the Appeals Board determined that Labor Code section 6409.1, subdivision (b), allows for modification to the proposed \$5,000 penalty for failing to timely report a serious injury pursuant to California Code of Regulations, title 8, section 342, subdivision (a). The allowable modification of this gravity-based penalty shall be for size, history, and good faith.

IT IS STIPULATED THAT employer reported late. Employer's good faith allows for a 30 percent adjustment factor. Employer's safety history with the Division allows for 10 percent adjustment factor, and employer's size allows for 0 percent adjustment factor. Applying these adjustment factors, the penalty is reduced by 40 percent, or \$2,000. The final penalty for this alleged violation is \$3,000, which is found reasonable.

IT IS SO ORDERED.

Dated: 10/23/2019


Kerry Lewis
Administrative Law Judge

Pursuant to California Code of Regulations, title 8, section 364.2, subdivision (e), employer shall post for 30 working days a copy of the Settlement Order. Posting shall be in a manner as prescribed in Section 356, subdivision (a).

Pursuant to California Code of Regulations, title 8, section 364.2, subdivision (d), the division shall serve a copy of this disposition on any authorized person representing affected employees if known.

NOTE: If you disagree with this order, you may petition the Appeals Board for reconsideration within 30 days. The petition must comply with the requirements of Labor Code sections 6614 through 6619. Please call the Appeals Board at (916) 274-5751 if you need assistance.

SUMMARY TABLE

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

In the Matter of the Appeal of:
FOLSOM LAKE COLLEGE

Inspection No.
1291727

Citation Issuance Date: **05/09/2018**

| CITATION | ITEM | SECTION | TYPE | CITATION/ITEM RESOLUTION | AFFIRMED | VALIDATED | PENALTY PROPOSED BY DOSH IN CITATION | FINAL PENALTY ASSESSED |
|------------------|------|------------|------|--|----------|-----------|--------------------------------------|------------------------|
| 1 | 1 | 342 (a) | R | Adjustment factors applied for late report. Penalty reduced. | A | | \$5,000.00 | \$3,000.00 |
| 2 | 1 | 4300.1 (c) | S | Citation and penalty remain as issued. | A | | \$18,000.00 | \$18,000.00 |
| Sub-Total | | | | | | | \$23,000.00 | \$21,000.00 |

Total Amount Due* **\$21,000.00**

**You may owe more than this amount if you did not appeal one or more citations or items containing penalties.
Please call (415) 703-4291 if you have any questions.*

PENALTY PAYMENT INFORMATION

1. Please make your cashier's check, money order, or company check payable to:
Department of Industrial Relations

2. Write the **Inspection No.** on your payment

3. If sending via US Mail:
CAL-OSHA Penalties
PO Box 516547
Los Angeles, CA 90051-0595

If sending via Overnight Delivery:
US Bank Wholesale Lockbox
c/o 516547 CAL-OSHA Penalties
16420 Valley View Ave.
La Mirada, CA 90638-5821

Online Payments can also be made by logging on to http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html

-DO NOT send payments to the California Occupational Safety and Health Appeals Board-

Abbreviation Key:

| | | | |
|-------------------|----------------------|-------------------|----------------------|
| G=General | R=Regulatory | Er=Employer | |
| S=Serious | W=Willful | Ee=Employee | A/R=Accident Related |
| RG=Repeat General | RR=Repeat Regulatory | RS=Repeat Serious | |