PROPOSAL

The undersigned hereby declares, as Bidder, that the only persons or parties interested in this proposal as principals are those named herein; that no director or any other officer or employee of the Eastern Municipal Water District is in any manner interested directly or indirectly in this proposal or in the profits to be derived from the contract proposed to be taken; that this bid is made without any connection with any person or persons making a bid for the same purpose; that the bid is in all respects fair and without collusion or fraud; that he has read the Notice Inviting Bids (or Bidding Information), Insurance Requirements and the Instructions to Bidders and agrees to all the stipulations contained herein; that he proposes and agrees that if his bid as submitted in the attached sheets, be accepted he will contract in the form so approved and furnish all items called for in accordance with the provisions of said approved form of Agreement, Insurance Requirements and the Specifications and to deliver the same within the time stipulated therein; and that he will accept in full payment therefore the prices named in said Bid Sheet.

The Bidder further agrees, that upon receipt of written notice of the acceptance of this proposal within 60 days after the day of opening bids (unless otherwise specified in the Notice Inviting Bids or Bidding Information) he will execute and return the Contract in accordance with the proposal as accepted and furnish the required bond(s) within SEVEN (7) days from the date of mailing the Notice of Acceptance of Proposal to him at his address given below, or within such time as allowed by the Engineer; and that upon his failure or refusal to do so within the said time, then the certified or cashier's check or bond accompanying this bid shall become the property of and be retained by the Eastern Municipal Water District as liquidated damages for such failure or refusal, and shall be deposited with the Treasurer of said Eastern Municipal Water District as monies belonging to the Eastern Municipal Water District; provided, that if said Bidder shall execute the Contract and furnish the required bond within the time aforesaid, his check or bond shall be returned to him thereafter.

The Bidder further declares that the surety or sureties named in the attached sheet have agreed to furnish bond in form and amount set forth in the accompanying Notice Inviting Bids (or Bidding Information) and paragraph B-6 of the Instructions to Bidders, in the event contract is awarded on basis of this proposal.

Company:  Sukut Construction, LLC

Address:  4010 W. Chandler Avenue, Santa Ana, CA 92704  Date:  11/14/18

By:  Michael Greenlee, Vice President/Chief Estimator  (Print Name) (Name should appear below)  (Signature of Owner or Officer required)

<table>
<thead>
<tr>
<th>Name(s) and Title of Member of Firm or Office of Corporation authorized to enter into a binding Contract: **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>----------------------------</td>
</tr>
<tr>
<td>Michael Greenlee</td>
</tr>
<tr>
<td>Steve Yurosek</td>
</tr>
<tr>
<td>Paul Kuliev</td>
</tr>
<tr>
<td>Michael Crawford</td>
</tr>
</tbody>
</table>

For further details on this proposal, please contact:

<table>
<thead>
<tr>
<th>Name: Michael Greenlee</th>
<th>Address: 4010 W. Chandler Avenue, Santa Ana, CA 92704</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email Address: <a href="mailto:mggreenlee@sukut.com">mggreenlee@sukut.com</a></td>
<td>Telephone: 714-540-5351</td>
</tr>
</tbody>
</table>

** Dave Grattan, Vice President, Address same as above
Eddie Juarez, Vice President, Address same as above
Michael Zanaboni, Vice President, Address same as above
Eric Mauldin, Vice President, Address same as above C3-1

00024 Proposal (7 day)
EASTERN MUNICIPAL WATER DISTRICT
SPECIFICATION NO. 1345
SOLAR RENEWABLE ENERGY INITIATIVE – PHASE 3
SITE PREPARATION CONSTRUCTION

BIDDING SHEETS

The Contractor shall construct the project under these Specifications all in conformance with the Contract Drawings listed in Section P and these Specifications.

The District reserves the right to:

A. Accept or reject any or all bids on this specification;
B. Award Contract to the lowest qualified bidder, based on the total bid price (of all schedules);
C. Waive any defects and informalities.

The District shall be the final authority with regard to whether a bid is responsive to the call for bids and to whether a bidder is a responsible bidder under the conditions of his bid, or for any reason.

The total contract price shall include all work, materials and equipment needed to complete the project as defined in the General Conditions, Section F. The bidder shall include costs for such other items in the most appropriate category (bid item).

District furnished materials to be installed by the Contractor:

1. Fill Material, quantities as determined by Contractor as specified in SC-22.
**BASIS OF AWARD: Additive or Deductive Bid Item(s) Not Included in Total Bid Price.**

Public Contract Code 20103.8(a) provides for basis of award as follows:

(a) *The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.*

Public Contract Code 20103.8 does not preclude the District from adding to or deducting any of the additive or deductive items after the lowest responsible bidder has been determined.

*Failure to provide a cost for the additive or deductive bid items may deem your bid non-responsive.*
## BIDDING SHEETS

### SCHEDULE A
**MORENO VALLEY REGIONAL WATER RECLAMATION FACILITY (MVRWRF) (NEM 2.0)**

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description (Unit Price Written in Words)</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Approved: Bonds, Insurance, Schedule of Values (see Section 01026) and Preliminary Project Schedule (PPS) (see section 01310)</td>
<td>Two Hundred Thousand Dollars</td>
<td>$ PRESET $ 200,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>LS</td>
<td>Construction of site preparation, including preparation and implementation of storm water pollution prevention plans, demolition, clearing and grubbing, earthwork, grading, aggregate roads, weed block/pre-emergent germicide, riprap, catch basins, storm drain facilities, pipelines, environmental controls (vehicle emissions, noise, dust, traffic, etc.), and all other items not listed above needed to complete scope as specified herein and as generally shown on the contract documents.</td>
<td>Twenty million six hundred thousand</td>
<td>$ Lump Sum $ 2,820,000</td>
</tr>
</tbody>
</table>

### TOTAL SCHEDULE A

| $ 2,820,000 |

---

BS-3

00020 Bidding Sheets
## BIDDING SHEETS

**SCHEDULE B**

**PERRIS VALLEY REGIONAL WATER RECLAMATION FACILITY (PVRWRF) (NEM 2.0)**

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Approved:  Bonds, Insurance, and Schedule of Values (see Section 01026) and Preliminary Project Schedule (PPS) (see section 01310)</td>
<td>PRESET</td>
<td>$ 300,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>LS</td>
<td>Construction of site preparation, including preparation and implementation of storm water pollution prevention plans, demolition, clearing and grubbing, earthwork, grading, aggregate roads, weed block/pre-emergent germicide, riprap, catch basins, storm drain facilities, pipelines, environmental controls (vehicle emissions, noise, dust, traffic, etc.), and all other items not listed above needed to complete scope as specified herein and as generally shown on the contract documents.</td>
<td>Lump Sum</td>
<td>$ 1,790,000.00</td>
</tr>
</tbody>
</table>

**TOTAL BID Schedule B**

$ 2,090,000.00
### EASTERN MUNICIPAL WATER DISTRICT
### SPECIFICATION NO. 1345
### SOLAR RENEWABLE ENERGY INITIATIVE – PHASE 3
### SITE PREPARATION CONSTRUCTION

### BIDDING SHEETS

### SCHEDULE C
### SUN CITY REGIONAL WATER RECLAMATION FACILITY (SCRWRF) (NEM 2.0)

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
</tr>
</thead>
</table>
| 1        | 1   | LS   | Mobilization and Approved: Bonds, Insurance, and Schedule of Values (see Section 01026) and Preliminary Project Schedule (PPS) (see section 01310) | Two Hundred Ten Thousand Dollars
(words) | $ PRESET $ 210,000.00 |
| 2        | 1   | LS   | Construction of site preparation, including preparation and implementation of storm water pollution prevention plans, demolition, clearing and grubbing, earthwork, grading, aggregate roads, weed block/pre-emergent germicide, riprap, catch basins, concrete headwall, storm drain facilities, pipelines, environmental controls (vehicle emissions, noise, dust, traffic, etc.), all other items not listed above needed to complete scope as specified herein and as generally shown on the contract documents. | Nine-hundred twenty-two thousand
and no cents
(words) | $ Lump Sum $ 922,000.00 |

**TOTAL BID Schedule C**

$1,132,000.00
**Eastern Municipal Water District**  
**Specification No. 1345**  
**Solar Renewable Energy Initiative – Phase 3**  
**Site Preparation Construction**

**Bidding Sheets**

**Schedule D**  
San Jacinto Valley Regional Water Reclamation Facility (SJWRWF) (NEM 2.0)

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description (Unit Price Written in Words)</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Approved: Bonds, Insurance, and Schedule of Values (see Section 01026) and Preliminary Project Schedule (PPS) (see section 01310)</td>
<td>Twenty Eight Thousand Dollars ($ PRESET $ 28,000.00)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>LS</td>
<td>Construction of site preparation, including preparation and implementation of storm water pollution prevention plans, demolition, clearing and grubbing, earthwork, grading, aggregate roads, weed block/pre-emergent germicide, pipelines, environmental controls (vehicle emissions, noise, dust, traffic, etc.), and all other items not listed above needed to complete scope as specified herein and as generally shown on the contract documents.</td>
<td>three hundred ninety thousand and no cents ($ Lump Sum $ 390,000.00)</td>
<td></td>
</tr>
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</table>

**Total Bid Schedule D**  
$ 418,000.00
### EASTERN MUNICIPAL WATER DISTRICT
**SPECIFICATION NO. 1345**
**SOLAR RENEWABLE ENERGY INITIATIVE – PHASE 3**
**SITE PREPARATION CONSTRUCTION**

**BIDDING SHEETS**

**SCHEDULE E**
**SAN JACINTO VALLEY REGIONAL WATER RECLAMATION FACILITY (SJVRWRF) (RES-BCT)**

<table>
<thead>
<tr>
<th>Bid Item</th>
<th>Qty</th>
<th>Unit</th>
<th>Description (Unit Price Written in Words)</th>
<th>Unit Price (Figures)</th>
<th>Total Amount (Figures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Mobilization and Approved: Bonds, Insurance, and Schedule of Values (see Section 01026) and Preliminary Project Schedule (PPS) (see section 01310)</td>
<td>Seventy Eight Thousand Dollars</td>
<td>$ PRESET $ 78,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>LS</td>
<td>Construction of site preparation, including preparation and implementation of storm water pollution prevention plans, demolition, clearing and grubbing, earthwork, grading, aggregate roads, weed block/pre-emergent germicide, riprap, storm drainage, pipelines, environmental controls (vehicle emissions, noise, dust, traffic, etc.), and all other items not listed above needed to complete scope as specified herein and as generally shown on the contract documents.</td>
<td>Eight-hundred forty thousand and no cents.</td>
<td>$ Lump Sum $ 840,000.00</td>
</tr>
</tbody>
</table>

**TOTAL BID Schedule E**

$918,000.00
## EASTERN MUNICIPAL WATER DISTRICT
## SPECIFICATION NO. 1345
## SOLAR RENEWABLE ENERGY INITIATIVE – PHASE 3
## SITE PREPARATION CONSTRUCTION

### BIDDING SHEETS

<table>
<thead>
<tr>
<th>BID SUMMARY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL SCHEDULE A - MVRWRF (NEM 2.0)</td>
<td>$7,620,000.00</td>
</tr>
<tr>
<td>TOTAL SCHEDULE B - PVRWRF (NEM 2.0)</td>
<td>$2,090,000.00</td>
</tr>
<tr>
<td>TOTAL SCHEDULE C - SCRWRF (NEM 2.0)</td>
<td>$1,132,000.00</td>
</tr>
<tr>
<td>TOTAL SCHEDULE D - SJVRWRF (NEM 2.0)</td>
<td>$418,000.00</td>
</tr>
<tr>
<td>TOTAL SCHEDULE E - SJVRWRF (RES-BCT)</td>
<td>$918,000.00</td>
</tr>
</tbody>
</table>

### ADDITION OR DEDUCTION

_Circle one (If applicable):_

- Addition (+)
- Deduction (-) $N/A

### TOTAL BID SCHEDULES A, B, C, D, E (Basis of Award) $7,378,000.00

**ADDITION OR DEDUCTION:** Provision is made here for the bidder to include an addition/deduction in their bid, *if desired*, to reflect any last minute adjustments in prices. The addition/deduction, if made, will be proportionately applied to item(s) _N/A_ (fill in) and reflected in the unit prices for payment purposes. If the addition/deduction affects more than one bid item, the proportionate application of the addition/deduction shall be mutually agreed upon by the Contractor and the District at the prejob.
EASTERN MUNICIPAL WATER DISTRICT
SPECIFICATION NO. 1345
SOLAR RENEWABLE ENERGY INITIATIVE – PHASE 3
SITE PREPARATION CONSTRUCTION

BIDDING SHEETS

The Contract Documents include the following Alternate Bid Items. Bidder must complete this form and identify whether the bid amount constitutes an addition or deduction (for each Alternate Bid Item).

At its sole option, the District may choose to include one or more of the Alternate Bid Items in the Project. If any/all of the Alternate Bids are selected by the District, the resulting amount shall be added to, or deducted from, Total Bid Price for the Project. The District may choose to include one or more of the Alternate Bid Items up to sixty (60) days following award of the Contract.

Alternate Bid Item 1 (Bid Schedule B)

Construct aggregate base roads over existing berms at Case Rd Pond and Watson Rd Pond, as indicated on construction contract drawings for the PVRWRF.

ADDITION OR DEDUCTION

Deduct: SEVENTY-EIGHT

Thousand

(words)

Circle one (as applicable):

Addition (+)

Deduction (-) $ 78,000.

Alternate Bid Item 2 (Bid Schedule C)

Construct aggregate base roads over existing berms at Pond 7 and Pond 8, as indicated on construction contract drawings for the SCRWRF.

ADDITION OR DEDUCTION

Deduct: Forty-Six Thousand

Circle one (as applicable):

Addition (+)

Deduction (-) $ 46,000.

BS-9 00020 Bidding Sheets
EASTERN MUNICIPAL WATER DISTRICT  
SPECIFICATION NO. 1345  
SOLAR RENEWABLE INITIATIVE – PHASE 3  
SITE PREPARATION CONSTRUCTION

**BIDDING SHEETS**

<table>
<thead>
<tr>
<th>Addenda and/or Letter of Clarification</th>
</tr>
</thead>
<tbody>
<tr>
<td>By submitting a bid, Bidder certifies that any addenda and letters of clarification issued to these specifications, whether acknowledged or not below, shall be made a part of the contract. Bidder further agrees to perform all labor and services and furnish all materials, tools and appliances necessary for completing the work called out in the addenda or letter of clarification.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Addenda received:</th>
<th>Addm. 1 on 11/01/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of Clarification received:</td>
<td></td>
</tr>
</tbody>
</table>

Person who inspected site of the proposed work as an employee of your firm: *(Representative must have inspected the jobsite and be an employee on the company’s payroll to be considered a responsive bidder)*

<table>
<thead>
<tr>
<th>Ryan Prokop and Chhe Lim</th>
<th>10/23/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Name)</td>
<td>(Date of Inspection)</td>
</tr>
</tbody>
</table>
EQUIPMENT AND MATERIAL

No substitution will be permitted without written justification and the approval of the District prior to the bid opening.

PRODUCTS OF MANUFACTURERS LISTED AS EQUALS TO THOSE SPECIFIED IN THE CONTRACT DOCUMENTS MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE DISTRICT NO LATER THAN THE TENTH (10TH) DAY PRECEDING THE DATE SET FOR RECEIPT OF BIDS.

N/A
<table>
<thead>
<tr>
<th>YEAR</th>
<th>TYPE/DESCRIPTION OF WORK</th>
<th>VALUE OF WORK PERFORMED</th>
<th>LOCATION OF WORK (CITY)</th>
<th>ENGINEER / CONTACT PERSON Address &amp; phone #</th>
<th>OWNER / CONTACT PERSON Address &amp; phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014 - 2016</td>
<td>La Pata Avenue Gap Closure and Camino Del Río Extension</td>
<td>$57,123,000.00</td>
<td>San Juan Capistrano, CA</td>
<td>Huett Zollars Carl Taylor 2603 Main Street #400 Irvine, CA 92614 949-988-5815</td>
<td>County of Orange Public Works Kevin Tran 300 N. Flower Street Santa Ana, CA 92702 714-759-0228</td>
</tr>
<tr>
<td>2015 - 2016</td>
<td>Fletcher Recharge Basin Conversion</td>
<td>$4,447,000.00</td>
<td>Orange, CA</td>
<td>Black &amp; Veatch Kristi Kuhlmann 5 Peters Canyon Road Irvine, CA 92606 949-788-4232</td>
<td>Orange County Water District Sandy Scott-Roberts 18700 Ward Street Fountain Valley, CA 92708</td>
</tr>
<tr>
<td>2018</td>
<td>Wisteria Solar Civil</td>
<td>$5,885,000.00</td>
<td>Calexico, CA</td>
<td>Fusco Engineering Paul Haaland 6390 Greenwich Drive Suite 170 San Diego, CA 92122 858-554-1500</td>
<td>AMEC Foster Wheeler Ken Garbe 1979 Lakeside Parkway Suite 400 Tucker, GA 30084 770-688-2687</td>
</tr>
<tr>
<td>In Progress</td>
<td>Trampas Canyon Dam &amp; Reservoir</td>
<td>$82,289,000.00</td>
<td>San Juan Capistrano, CA</td>
<td>URS Michael Smith 999 Town and Country Road Orange, CA 92868 714-567-2400</td>
<td>Santa Margarita Water District Jeff McDonnell 26111 Antonio Parkway Rancho Santa Margarita, CA 949-572-1536</td>
</tr>
</tbody>
</table>
LIST OF DESIGNATED SUBCONTRACTORS

SPEC #: 1345
PROJECT TITLE: Solar Renewable Energy Initiative - Phase 3 Site Preparation Construction
NAME OF CONTRACTOR: Sukut Construction, LLC

In compliance with the provisions of Sec. 4100-4111, inclusive, of the Public Contract Code of the State of California, and any amendments thereof, each bidder shall set forth: the name, location of the place of business, license number, portion of the work which will be done by each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent (1/2 of 1%) of the Contractor’s total bid. Each portion of subcontracted work noted in the below table must be specific and contain all major activities associated with completion of the project, outside of the services provided by the bidding Contractor. Ambiguous and/or incomplete subcontracted work information may deem the bid nonresponsive. Each subcontractor shall possess, both at the time the bid is submitted and at all times when work is performed, a valid contractor’s license for the appropriate classification necessary to perform the work for which that subcontractor is listed.

**BIDDER SHALL PROVIDE THE FOLLOWING INFORMATION:**
Company Name, Business Address, Email Address, License No., Contractor Registration No., Subcontract Work, and % Of Total Bid

* PLEASE WRITE LEGIBLY *

<table>
<thead>
<tr>
<th>LICENSED SUBCONTRACTOR’S NAME, BUSINESS ADDRESS, &amp; EMAIL ADDRESS</th>
<th>LICENSE #</th>
<th>SUBCONTRACT WORK (Be Specific)</th>
<th>% OF TOTAL BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name: MARINA LANDSCAPE, INC.</td>
<td>License #: 492862</td>
<td>Erosion Control BMPs</td>
<td>0.51</td>
</tr>
<tr>
<td>Address: 3707 W. GARDEN GROVE RBLD. ORANGE, CA. 92866</td>
<td>DIR Registration #: 1000000079</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email Address: <a href="mailto:CFish@MarinaCo.com">CFish@MarinaCo.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Company Name:  
Address:  
Email Address:  

C-5(d) 00028 Designation of Subcontractors
<table>
<thead>
<tr>
<th>LICENSED SUBCONTRACTOR’S NAME, BUSINESS ADDRESS, &amp; EMAIL ADDRESS</th>
<th>LICENSE #</th>
<th>SUBCONTRACT WORK (Be Specific)</th>
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</thead>
<tbody>
<tr>
<td>Company Name:</td>
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<td>Address:</td>
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</tbody>
</table>

(Do not list alternative subcontractors for the same work) (Use additional pages if needed)
<table>
<thead>
<tr>
<th>LICENSED SUBCONTRACTOR'S NAME, BUSINESS ADDRESS, &amp; EMAIL ADDRESS</th>
<th>LICENSE #</th>
<th>SUBCONTRACT WORK (Be Specific)</th>
<th>% OF TOTAL BID</th>
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<tbody>
<tr>
<td>Company Name:</td>
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</tr>
</tbody>
</table>

(Do not list alternative subcontractors for the same work) (Use additional pages if needed)
PUBLIC WORKS CONTRACTOR REGISTRATION
(Pursuant to SB 854)

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

Pursuant to Section 1771.1 of the Labor Code, no contractor or subcontractor shall be qualified to bid on, be listed in a bid proposal pursuant to Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work unless currently registered to perform public work pursuant to Section 1725.5 of the Labor Code. It shall not be a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Sections 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

BIDDERS AND THEIR SUBCONTRACTORS (listed on the Designation of Subcontractors List C-05) are to provide an extract (pdf) at time of bid showing active registration from the Public Works Contractor Registration online registration at https://efiling.dlr.ca.gov/PWCR/Search

*****************************************************************************
SUBMIT BIDDER & SUBCONTRACTORS CONTRACTOR REGISTRATION EXTRACTS WITH BID PROPOSAL
*****************************************************************************

Example:

<table>
<thead>
<tr>
<th>Legal Name</th>
<th>Registration Number</th>
<th>County</th>
<th>City</th>
<th>Registration Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractors Name</td>
<td>0000000000</td>
<td>RIVERSIDE</td>
<td>Temecula</td>
<td>06/01/2015</td>
<td>06/30/2016</td>
</tr>
</tbody>
</table>

Rev: 11/23/15 C22-1 00057 Contractor Registration
<table>
<thead>
<tr>
<th>License Name</th>
<th>Registration Number</th>
<th>County</th>
<th>City</th>
<th>License Type/Number(s)</th>
<th>Current Status</th>
<th>Registration Date</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARINA LANDSCAPE, INC</td>
<td>1000000079</td>
<td>ORANGE</td>
<td>ORANGE</td>
<td>CSLIB:402862</td>
<td>Active</td>
<td>05/11/2018</td>
<td>06/30/2019</td>
</tr>
</tbody>
</table>
CONTRACTOR’S LICENSING STATEMENT

The undersigned is licensed in accordance with the laws of the State of California providing for the registration of contractors. The representations made herein and in the proposal documents are made under penalty of perjury. The undersigned is hereby representing that he is properly licensed both at the time that he submits a bid as well as at the time the contract is awarded, if the contract is awarded to the undersigned.

CONTRACTOR’S CLASSIFICATION A, B, HAZ

CSLB

LICENSE NUMBER 985106 TYPE A,B,HAZ EXPIRATION DATE 7/31/19

A. INDIVIDUAL CONTRACTOR N/A

NAME OF INDIVIDUAL CONTRACTOR:

BUSINESS ADDRESS:

PHONE NUMBER:

SIGNATURE OF OWNER:

B. FIRM OR PARTNERSHIP N/A

NAME OF FIRM OR PARTNERSHIP:

BUSINESS ADDRESS:

PHONE NUMBER:

SIGNATURE(S) & TITLE OF MEMBERS SIGNING ON BEHALF OF THE PARTNERSHIP:

SIGNATURE: __________________________ TITLE: __________________________

SIGNATURE: __________________________ TITLE: __________________________

SIGNATURE: __________________________ TITLE: __________________________

C. CORPORATION

NAME OF CORPORATION: Sukut Construction, LLC

BUSINESS ADDRESS: 4010 W. Chandler Avenue, Santa Ana, CA 92704

PHONE NUMBER: 714-540-5351

SIGNATURE OF AUTHORIZED OFFICER OF CORPORATION:

SIGNATURE: __________________________ TITLE: Vice President/Chief Estimator

Michael Greene

C6-1 00030 Contractors Licensing Statement
NON-COLLUSION DECLARATION

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the Vice President/Chief Estimator of Sukut Construction, LLC, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or of any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 11/14/18 [date], at Santa Ana [city], California [state]

Signed: ____________________________

Name: Michael Greenlee

(Print Name Here)

C7-1 00032 Non-Collusion Declaration
IRAN CONTRACTING ACT CERTIFICATION

Pursuant to the Iran Contract Act of 2010 (Public Contract Code 2200-2208), Vendors/Bidders are ineligible to bid on or submit a proposal for any contract with a public entity for goods or services of one million dollars ($1,000,000) or more if the Vendor/Bidder engages in investment activities in Iran.

MUST BE SUBMITTED WITH BID PROPOSAL IF BID AMOUNT IS $1,000,000 OR MORE

Prior to bidding on, submitting a proposal, or executing a contract or renewal for a public entity contract for goods or services of $1,000,000 or more, a vendor must either: a) certify it is not on the current list of persons engaged in investment activities in Iran created by the California Department of General Services ("DGS") pursuant to Public Contract Code section 2203(b) and is not a financial institution extending $20,000,000 or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS; or b) demonstrate it has been exempted from the certification requirement for that solicitation or contract pursuant to Public Contract Code section 2203(c) or (d).

To comply with this requirement, please insert your vendor or financial institution name and Federal ID Number (if available) and complete one of the options below. Please note: California law establishes penalties for providing false certifications, including civil penalties equal to the greater of $250,000 or twice the amount of the contract for which the false certification was made, contract termination, and three-year ineligibility to bid on contracts. (Pub. Cont. Code § 2205.)

OPTION #1 - CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor/financial institution identified below, and the vendor/financial institution identified below is not on the current list of persons engaged in investment activities in Iran created by DGS and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

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

<table>
<thead>
<tr>
<th>Vendor Name/Financial Institution (Printed)</th>
<th>Federal ID Number (or n/a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sukut Construction, LLC</td>
<td>37-1702665</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>By (Authorized Signature)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Printed Name and Title of Person Signing</th>
<th>Date Executed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Greenlee, Vice President/Chief Estimator</td>
<td>11/14/18</td>
</tr>
</tbody>
</table>
OPTION #2 - EXEMPTION
Pursuant to Public Contract Code sections 2203(c) and (d), a public entity may permit a vendor/financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enters into or renews, a contract for goods and services.

If you have obtained an exemption from the certification requirement under the Iran Contracting Act, please fill out the information below, and attach documentation demonstrating the exemption approval. N/A

<table>
<thead>
<tr>
<th>Vendor Name/Financial Institution (Printed)</th>
<th>Federal ID Number (or n/a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>By (Authorized Signature)</td>
<td></td>
</tr>
<tr>
<td>Printed Name and Title of Person Signing</td>
<td>Date Executed</td>
</tr>
</tbody>
</table>
All establishments covered by CCR Title 8 Section 14300 must complete this Annual Summary, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the Cal/OSHA Form 300 in its entirety. They also have limited access to the Cal/OSHA Form 301 or its equivalent. See CCR Title 8 Section 14300.35, in Cal/OSHA's recordkeeping rule, for further details on the access provisions for these forms.

### Number of Cases

<table>
<thead>
<tr>
<th></th>
<th>Total number of cases with days away from work</th>
<th>Total number of cases with job transfer or restriction</th>
<th>Total number of other recordable cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of deaths</td>
<td>0</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(G)</td>
<td>(H)</td>
<td>(I)</td>
</tr>
</tbody>
</table>

### Number of Days

<table>
<thead>
<tr>
<th>Total number of days of job transfer or restriction</th>
<th>Total number of days away from work</th>
</tr>
</thead>
<tbody>
<tr>
<td>168</td>
<td>160</td>
</tr>
<tr>
<td>(K)</td>
<td>(L)</td>
</tr>
</tbody>
</table>

### Injury and Illness Types

<table>
<thead>
<tr>
<th>Total number of...</th>
<th>(M)</th>
<th>(N)</th>
<th>(O)</th>
<th>(P)</th>
<th>(Q)</th>
<th>(R)</th>
<th>(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injuries</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skin disorders</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respiratory conditions</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(4) Poisonings       0
(5) Hearing loss      0
(6) All other Illnesses 0

Post this Annual Summary from February 1 to April 30 of the year following the year covered by the form.
# C-17 Contractor’s Cal/OSHA Compliance History and SIC Code

**THIS DOCUMENT IS TO BE SUBMITTED WITH THE PROPOSAL PACKAGE AT TIME OF BID**

<table>
<thead>
<tr>
<th>Bid Date:</th>
<th>11/14/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor’s Standard Industry Code:</td>
<td>1600</td>
</tr>
<tr>
<td>Specification No.</td>
<td>1345</td>
</tr>
<tr>
<td>Project Name:</td>
<td>Solar Renewable Energy Initiative - Phase 3 Silo Preparation Construction</td>
</tr>
<tr>
<td>Contractor name:</td>
<td>Sukut Construction, LLC</td>
</tr>
<tr>
<td>Contractor Address:</td>
<td>4010 W. Chandler Avenue, Santa Ana, CA 92704</td>
</tr>
<tr>
<td>Contractor License No.</td>
<td>985106</td>
</tr>
<tr>
<td>Phone No:</td>
<td>714-540-5351</td>
</tr>
<tr>
<td>Contact Person:</td>
<td>Michael Greenlee</td>
</tr>
</tbody>
</table>

Please answer the following questions:

1. **Has the Contractor been cited by Cal/OSHA or any regulatory agency for a violation related to safety or environmental issues within the past seven (7) years?**  
   - No [ ] Yes [✓]
   
   *If yes, please attach all documentation specific to each violation and what actions have been taken to ensure that there is not a repeat violation.*

2. **Has the Contractor had a fatality or serious incident per Cal/OSHA on a jobsite within the past ten (10) years?**  
   - No [ ] Yes [✓]
   
   *If yes, please attach all documentation specific to each violation and what actions have been taken to ensure that there is not a repeat violation.*

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

**Contractor’s Representative signature:**  
**Date:** 11/14/18

*Failure to fully divulge, complete and submit this form “may” deem your bid non-responsive*

<table>
<thead>
<tr>
<th>FOR EMWD USE ONLY:</th>
<th>Field Engineering to forward to Risk Management for review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved:</td>
<td>No [ ] Yes [ ]</td>
</tr>
</tbody>
</table>

**Reviewed by Risk Management (signature required):**  
**Date:**

**Return to (Field Eng.CAR):**  
**By:**

cc: Construction Administrator  
File: C-17 Contractor’s Compliance History

C17-2 00052 CalOsha Compliance History & SIC Code
Attachment to C-17 Contractor's Cal/OSHA Compliance History and SIC Code

1. Has the Contractor been cited by Cal/OSHA or any regulatory agency for a violation related to safety or environmental issues within the past seven (7) years?

Yes. Please see summary and attachments.

<table>
<thead>
<tr>
<th>Citation Type and Inspection No.</th>
<th>Issue Date</th>
<th>Actions Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSHA Regulatory 1118490</td>
<td>03/25/16</td>
<td>Added more specific information to 300 logs for correction.</td>
</tr>
<tr>
<td>SCAQMD P63147</td>
<td>08/21/18</td>
<td>Track-out occurred beyond 25' of project limits. Track-out has been abated. Education and training has been completed. Penalty is Pending.</td>
</tr>
<tr>
<td>San Bernardino Co. Fire Dept. CUPA</td>
<td>10/14/18</td>
<td>All violations have been abated. Education and training has been completed. Penalty is pending.</td>
</tr>
<tr>
<td>OSHA 1113163</td>
<td>04/28/16</td>
<td>Under Appeal – Hearing Date 11/14/18</td>
</tr>
<tr>
<td>OSHA 1237938</td>
<td>07/27/17</td>
<td>Under Appeal – Hearing Date 12/07/18</td>
</tr>
</tbody>
</table>

2. Has the Contractor had a fatality or serious incident per Cal/OSHA on a jobsite within the past ten (10) years?

Yes. Please see summary and attachments.

| OSHA 1113163                   | 04/28/16   | As Above. Under Appeal – Hearing Date 11/14/18                               |
| OSHA 1237938                   | 07/27/17   | As Above. Under Appeal – Hearing Date 12/07/18                               |
Citation and Notification of Penalty

Company Name: Sukut Construction. LLC
Establishment DBA: and its successors
Inspection Site: 3500 Toland Rd.
Santa Paula, CA 93060

Citation 1 Item 2 Type of Violation: Regulatory

TBCCR - 14300.29. Forms.
(a) Basic requirement. You must use Cal/OSHA 300, 300A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The Cal/OSHA Form 300 is called the Log of Work-Related Injuries and Illnesses, the Cal/OSHA Form 300A is called the Summary of Work-Related Injuries and Illnesses, and the Cal/OSHA Form 301 is called the Injury and Illness Incident Report. Appendices A through C give samples of the Cal/OSHA forms. Appendices D through F provide elements for development of equivalent forms consistent with Section 14300.29(b)(4) requirements. Appendix G is a worksheet to assist in completing the Cal/OSHA Form 300A.

VIOLATION
On January 22, 2016, the employer provided the Division Cal/OSHA form 300 Logs, of Work-Related Injuries and Illnesses, that did not include an accident description that reported the object/substance that directly injured or made the person ill.

Date By Which Violation Must be Abated: April 28, 2016
Proposed Penalty: $375.00

[Signature]
Andreea Minea
Compliance Officer / District Manager
# SUMMARY TABLE
**OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**

In the Matter of the Appeal of:  
**SUKUT CONSTRUCTION, LLC**  

<table>
<thead>
<tr>
<th>Citation Issue Date: 03/23/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CITATION ITEM</strong></td>
</tr>
<tr>
<td>1 1</td>
</tr>
<tr>
<td>1 2</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
</tr>
</tbody>
</table>

Total Amount Due*  

**$375.00**

*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. Mail payment to:
   Department of Industrial Relations (Accounting)  
   Cashier Accounting Office  
   P.O. Box 420603  
   San Francisco CA 94142-0603

**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-

<table>
<thead>
<tr>
<th>Abbreviation Key:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>G=General</td>
<td>R=Regulatory</td>
<td>Er=Employer</td>
<td></td>
</tr>
<tr>
<td>S=Serious</td>
<td>W=Willful</td>
<td>Ee=Employsee</td>
<td></td>
</tr>
<tr>
<td>RG=Repeat General</td>
<td>RR=Repeat Regulatory</td>
<td>RS=Repeat Serious</td>
<td></td>
</tr>
</tbody>
</table>

OSHAB 201  
**SUMMARY TABLE**  
Rev. 06/15
South Coast Air Quality Management District
21865 COLEY DRIVE, DIAMOND BAR, CA 91765-4178

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

<table>
<thead>
<tr>
<th>#</th>
<th>Authority*</th>
<th>Code Section or Rule No</th>
<th>SCAQMD Permit to Operate or CARB Registration No.</th>
<th>Condition No. (if Applicable)</th>
<th>Description of Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>☐ SCAQMD</td>
<td></td>
<td></td>
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<td>☐ CH&amp;SC</td>
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<td>☐ SCAQMD</td>
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<td>☐ SCAQMD</td>
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<td>5</td>
<td>☐ SCAQMD</td>
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<td>☐ CFR</td>
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</tr>
</tbody>
</table>

Served To:

Phone: 909-396-310-233
Email: aqmd.gov

Method of Service: [ ] In Person [ ] Certified Mail

Key to Authority Abbreviations:
SCAQMD - South Coast Air Quality Management District
CH&SC - California Health and Safety Code
CCR - California Code of Regulations
CFR - Code of Federal Regulations
NAME: 1219 - HDWD Wastewater Project
ADDRESS: 57375 29 Palms HWY
CITY: Yucca Valley
STATE: CA
ZIP CODE: 92284

FACILITY ID: FA0017788
CERS ID: 10747492

INSPECTION DATE: 10/4/2018

Consent granted by:
☐ photograph  ☑ inspect  
Name: Nick Osborne  Title: Project Manager

An inspection was conducted on 10/4/2018 to determine compliance with applicable hazardous materials and hazardous waste laws and regulations. Jeff Raffetto, Oiler, was the facility escort for the duration of the inspection. Ray Sollano, Project Engineer, and Nick Osborne, Project Manager, were also present for portions of the inspection.

This facility is a contractor storage and maintenance yard. The hazardous materials stored on site include automotive fluids utilized in the routine maintenance and repair of facility operated vehicles and equipment, and compressed gas cylinders utilized in welding processes. Hazardous waste is generated on site as result of routine maintenance and repair of facility operated equipment.

Inventory:
- Consistent with the hazardous materials inventory submitted via the California Environmental Reporting System (CERS) on 10/09/2017.

Document Review:
- Applicable CUPA permits are current; expiration date of 05/31/2019.
- This facility submitted a Hazardous Materials Business Plan via CERS on 10/09/2017. This facility has an established CERS ID number: 10747492.
- This facility does not have an established and active permanent EPA ID number.
- Hazardous waste disposal records were not available for review at the time of inspection.
- Applicable hazardous materials and hazardous waste training are conducted via on line module.
- Weekly inspections of the hazardous waste storage area were not conducted prior to the inspection.
- Daily hazardous waste tank inspections were not conducted prior to the inspection.
- A Spill Prevention, Control, and Countermeasures Plan (SPCC Plan) was available for review at the time of the inspection. Bradley Sims, Professional Engineer, prepared the SPCC Plan on 09/26/2017. The SPCC Plan stated that management certification and implementation was achieved on the date of the CERS submittal on 10/09/2017 by the party that submitted the hazardous materials business plan via CERS.
- Caterpillar receives the facility generated spent lead acid batteries.

Submit the completed Certificate of Compliance (CoC) provided along with all requested documentation, to this Division within 30 days of receipt of this report.

Notes:
- As a result of the inspection, the ownership of this facility will be updated from HDWD to Sukut Construction, LLC.
- Hazardous waste disposal records were not available for review at the time of the inspection. This facility has 5 business days from the receipt of this report to provide this Division all available hazardous waste disposal records associated with any transport of hazardous waste off site from this facility. If these disposal records are not received within 5 business days, violations W128 and W137 will be added to this inspection.

Please contact Karl Wendt at (909) 386-8401 or by email at kwendt@sbcfire.org with any questions regarding this report.
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<tr>
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### HMRP (HAZARDOUS MATERIALS HANDLER)

**V**

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<tr>
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<td>Business Activities Page and/or Business Owner/Operator Identification Page</td>
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</table>

**Violation:** Failure to accurately complete and electronically submit the Business Activities Page and/or Business Owner/Operator Identification Page. 19 CCR 4 25522(a)(1)

**MINOR:** Per information gather during the inspection, the owner of this facility is Sakut Construction, LLC, not HDWD.

**CORRECTIVE ACTION:** Submit Business Owner/Operator Identification Page via CERS.

| H211 | Hazardous materials inventory | CHSC 25505, 25506, 25508 |
| H212 | Site map | CHSC 25505(a)(2), 25508(a)(1) |
| H213 | Emergency response plan | CHSC 25505(a)(3), 25508(a)(1) |

**Violation:** Failure to establish and electronically submit an adequate emergency response plan and procedures for a release or threatened release of a hazardous material.

**MINOR:** The required local CUPA emergency response phone number was missing from the Emergency Response Plan submitted via CERS on 10/09/2017.

<p>| H214 | Training Program not included and/or is not adequate | CHSC 25505(a)(4), 25508(a)(1) |
| H215 | Training Documentation | CHSC 25505(a)(4) |
| H216 | Business plan readily available | CHSC 25505 |
| H220 | Property owner notification | CHSC 25505.1 |
| H221 | Property owner business plan | CHSC 25505.1 |
| H222 | Agricultural handler emergency response plan | CHSC 25508(a)(1), 25507.1 |
| H223 | Agricultural handler training program | CHSC 25508(a)(1), 25507.1 |
| H224 | Remote unstaffed facility | CHSC 25505, 25506, 25507, 25555 |</p>
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<td>W104</td>
<td>HWG: Identification Number</td>
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<td>Violation: Failure to obtain an Identification Number prior to treating, storing, disposing of, transporting or offering for transportation any hazardous waste.</td>
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<td>CLASS 2  Facility did not have an established and active EPA ID Number at the time of the inspection.</td>
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<td>CORRECTIVE ACTION: Sign the Certificate of Compliance in attestation that a permanent EPA ID Number has been obtained for this facility.</td>
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<td>HWG: Hazardous Waste Labelling Standards</td>
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<td></td>
<td>Violation: Failure to properly label hazardous waste accumulation containers and portable tanks with the following requirements: &quot;Hazardous Waste&quot;, name and address of the generator, physical and chemical characteristics of the Hazardous Waste, and starting accumulation date.</td>
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<td>MINOR Observed (1) 55 gallon drum containing drained used oil filters to have hazard waste labeling disclosing the incorrect facility name and physical address.</td>
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<td>Violation corrected on site at the time of the inspection.</td>
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<td>HWG: Excluded Recyclable Materials Report</td>
<td>CHSC</td>
<td>25143.10</td>
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<tr>
<td>W155</td>
<td>HWG: Satellite Accumulation</td>
<td>CCR</td>
<td>66262.34(a)</td>
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<tr>
<td>W156</td>
<td>HWG: Laboratory Waste</td>
<td>CHSC</td>
<td>25200.3.1(b)</td>
</tr>
<tr>
<td>W157</td>
<td>HWG: Laboratory Waste Treatment</td>
<td>CHSC</td>
<td>25200.3.1(c)</td>
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<td>W158</td>
<td>HWG: Program Data Electronic Report</td>
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<tr>
<td>W159</td>
<td>HWG: Facility Information Reporting</td>
<td>SBCC</td>
<td>23,0092,00712</td>
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<tr>
<td>W190</td>
<td>HWG: Land Disposal Restriction</td>
<td>CCR</td>
<td>Multiple</td>
</tr>
<tr>
<td>W203</td>
<td>SCG: Employee Training</td>
<td>CCR</td>
<td>66262.34(d)(2)</td>
</tr>
<tr>
<td>W206</td>
<td>SCG: Facility Maintained to Prevent Fire/Explosion/Release</td>
<td>CCR</td>
<td>66262.34(d)(2)</td>
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<tr>
<td>W207</td>
<td>SCG: Emergency Plan</td>
<td>CCR</td>
<td>66262.34(d)(2)</td>
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<tr>
<td>W213</td>
<td>SCG: Time Exceeded for Hazardous Waste Conditional Accumulation (180 Days)</td>
<td>Multiple</td>
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<tr>
<td>W214</td>
<td>SCG: Container in Poor Condition or Damaged</td>
<td>CCR</td>
<td>66262.34(d)(2)</td>
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<tr>
<td>W216</td>
<td>SCG: Open Hazardous Waste Containers</td>
<td>CCR</td>
<td>66262.34(d)(2)</td>
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<tr>
<td>W218</td>
<td>SCG: AcutelyExtremely Hazardous Waste Accumulation Time Exceeded (90 Days)</td>
<td>Multiple</td>
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<tr>
<td>W227</td>
<td>SCG: Hazardous Waste Manifest Exception Reporting</td>
<td>Multiple</td>
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<tr>
<td>W238</td>
<td>SCG: Weekly Hazardous Waste Storage Area Inspection</td>
<td>CCR</td>
<td>66262.34(d)(2)</td>
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<tr>
<td>W245</td>
<td>SCG: Hazardous Waste Container Incompatible with Material Stored</td>
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<td>66262.34(d)(2)</td>
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<td>W249</td>
<td>SCG: Aisle Space</td>
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<td>66262.34(d)(2)</td>
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<tr>
<td>W268</td>
<td>SCG: Incompatible Waste Storage</td>
<td>CCR</td>
<td>66262.34(d)(2)</td>
</tr>
<tr>
<td>W269</td>
<td>SCG: Hazardous Waste Tank Spill Control/Overfill</td>
<td>CCR</td>
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<td>Code</td>
<td>Description</td>
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<tr>
<td>W270</td>
<td>SQG: Daily Tank, Monitoring, and Discharge Inspection</td>
<td>CCR</td>
<td>62626.34(d)(2)</td>
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<tr>
<td>W271</td>
<td>SQG: Weekly Hazardous Waste Tank Construction and System Fixture Inspection</td>
<td>CCR</td>
<td>62626.34(d)(2)</td>
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<tr>
<td>W272</td>
<td>SQG: Hazardous Waste Facility Closure</td>
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<td>62626.34(d)(2)</td>
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<tr>
<td>W273</td>
<td>SQG: Tank 2 ft Freeboard</td>
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<td>62626.34(d)(2)</td>
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<td>W278</td>
<td>SQG: Hazardous Waste Minimization Certification</td>
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<td>62626.27(b)</td>
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<td>W280</td>
<td>SQG: Emergency Coordinator</td>
<td>CCR</td>
<td>62626.34(d)(2)</td>
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<tr>
<td>W281</td>
<td>SQG: Facility Emergency Equipment</td>
<td>CCR</td>
<td>62626.34(d)(2)</td>
</tr>
<tr>
<td>W282</td>
<td>SQG: Emergency Equipment Maintenance</td>
<td>CCR</td>
<td>62626.34(d)(2)</td>
</tr>
<tr>
<td>W306</td>
<td>LQG: Facility Maintained To Prevent Fire/Explosion/Release</td>
<td>CCR</td>
<td>62626.34(a)(4), 66265.31</td>
</tr>
<tr>
<td>W307</td>
<td>LQG: Contingency Plan</td>
<td>CCR</td>
<td>62626.34(a)(4), 66265.51</td>
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<tr>
<td>W308</td>
<td>LQG: Contingency Plan Copies</td>
<td>CCR</td>
<td>62626.34(a)(4), 66265.53</td>
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<tr>
<td>W309</td>
<td>LQG: Contingency Plan Emergency Action Plan</td>
<td>CCR</td>
<td>62626.34(a)(4), 66265.52</td>
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<tr>
<td>W313</td>
<td>LQG: Hazardous Waste Accumulation Time Exceeded</td>
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<tr>
<td>W314</td>
<td>LQG: Container In Poor Condition or Damaged</td>
<td>CCR</td>
<td>62626.34(a)(1), 66265.17</td>
</tr>
<tr>
<td>W316</td>
<td>LQG: Open Hazardous Waste Container</td>
<td>CCR</td>
<td>62626.34(a)(1), 66265.17</td>
</tr>
<tr>
<td>W318</td>
<td>LQG: Weekly Hazardous Waste Storage Areas Inspection</td>
<td>CCR</td>
<td>62626.34(a)(1), 66265.17</td>
</tr>
</tbody>
</table>

**Violation:** Failure to inspect weekly, areas where hazardous waste containers are stored or transferred. The owner or operator shall look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

**CLASS 2:** The facility’s staff were unable to adequately demonstrate that daily hazardous waste tank inspections will be conducted prior to the inspection.

**CORRECTIVE ACTION:** Sign the Certificate of Compliance in attestation that daily hazardous waste tank inspection will be conducted upon receipt of this report.

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Type</th>
<th>Code Ref.</th>
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<tbody>
<tr>
<td>W320</td>
<td>LQG: Hazardous Waste Tank Inspections</td>
<td>CCR</td>
<td>62626.34(a)(1), 66265.19</td>
</tr>
</tbody>
</table>

**Violation:** Failure to conduct and document inspections of hazardous waste tank systems each operating day and retain records of those inspections at the facility.

**CLASS 2:** The facility’s staff were unable to adequately demonstrate that weekly inspections of the hazardous waste storage area were conducted prior to the inspection.

**CORRECTIVE ACTION:** Sign the Certificate of Compliance in attestation that weekly inspections of the hazardous waste storage area will be conducted upon receipt of this report.

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tr>
<td>W321</td>
<td>LQG: Hazardous Waste Tank Cathodic Inspection</td>
<td>CCR</td>
<td>62626.34(a)(1), 66265.19</td>
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<tr>
<td>W24</td>
<td>LQG: Hazardous Waste Tank Equipment Replacement</td>
<td>CCR</td>
<td>66265.192(m)</td>
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<tr>
<td>W325</td>
<td>LQG: Hazardous Waste Tank Release</td>
<td>CCR</td>
<td>66265.196</td>
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<tr>
<td>W326</td>
<td>LQG: Tank Closure Requirements and Documentation</td>
<td>CCR</td>
<td>66265.111, 66265.114, 66</td>
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<tr>
<td>W331</td>
<td>LQG: Employee Hazardous Waste Training</td>
<td>CCR</td>
<td>62626.34(a)(4), 66265.1</td>
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<tr>
<td>W332</td>
<td>LQG: Source Reduction Evaluation Review and Plan</td>
<td>CCR</td>
<td>67100.7, 67100.8</td>
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<tr>
<td>W333</td>
<td>LQG: Summary Progress Report</td>
<td>CCR</td>
<td>67100.9</td>
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<tr>
<td>W334</td>
<td>LQG: Source Reduction Implementation</td>
<td>CCR</td>
<td>67100.5</td>
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<tr>
<td>W340</td>
<td>LQG: Hazardous Waste Minimization Certification</td>
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<td>62626.27(a)</td>
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<tr>
<td>W345</td>
<td>LQG: Hazardous Waste Container Incompatible with Material Stored</td>
<td>CCR</td>
<td>62626.34(a)(1), 66265.17</td>
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<tr>
<td>W349</td>
<td>LQG: Asile Space</td>
<td>CCR</td>
<td>62626.34(a)(4), 66265.35</td>
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<tr>
<td>W351</td>
<td>LQG: Reassessment for Hazardous Waste Tank System P.E. Certification</td>
<td>CCR</td>
<td>66265.192(h)</td>
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<tr>
<td>W352</td>
<td>LQG: New Tank Assessment Standards</td>
<td>CCR</td>
<td>66265.192(k)</td>
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<td>W353</td>
<td>LQG: Hazardous Waste Tank Standards</td>
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<td>W354</td>
<td>LQG: Secondary Containment</td>
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<td>W368</td>
<td>LQG: Incompatible Waste Storage</td>
<td>CCR</td>
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<tr>
<td>W369</td>
<td>LQG: Air Emissions for Waste in Containers</td>
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<tr>
<td>W371</td>
<td>LQG: Air Emissions for Wastes in Tanks</td>
<td>CCR</td>
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<td>W378</td>
<td>LQG: Hazardous Waste Manifest Exception Reporting</td>
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<td>62626.42(a), (b), (c)</td>
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<td>W380</td>
<td>LQG: Emergency Coordinator</td>
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<td>W381</td>
<td>LQG: Facility Emergency Equipment</td>
<td>CCR</td>
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<td>W382</td>
<td>LQG: Emergency Equipment Maintenance</td>
<td>CCR</td>
<td>62626.34(a)(4), 66265.33</td>
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<tr>
<td>W501</td>
<td>Certified Appliance Recycler: Certification</td>
<td>CHSC</td>
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<td>W502</td>
<td>Certified Appliance Recycler: Certification</td>
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<td>25211.2, 25211.3</td>
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<td>W503</td>
<td>Certified Appliance Recycler: Materials that Require Special Handling (MRSH) properly managed</td>
<td>CHSC</td>
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<td>W504</td>
<td>Certified Appliance Recycler: Proper Removal of Materials that Require Special Handling (MRSH)</td>
<td>CHSC</td>
<td>25211.3, 25212(a)</td>
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<td>W901</td>
<td>Universal Waste Handler: Permit</td>
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<td>23.0602(B)(k)</td>
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<td>W902</td>
<td>Universal Waste Handler: Labeling Requirements</td>
<td>CCR</td>
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<td>W903</td>
<td>Universal Waste Handler: Accumulation Time</td>
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<td>W904</td>
<td>Universal Waste Handler: Employee Training</td>
<td>CCR</td>
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<td>W907</td>
<td>Universal Waste: Accumulation of Aerosol Cans</td>
<td>CHSC</td>
<td>25201.16(f)</td>
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<td>W908</td>
<td>Universal Waste: Handling of Aerosol Cans</td>
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<td>25201.16(a)</td>
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<td>W911</td>
<td>Universal Waste Handler: Department Notification</td>
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<td>W912</td>
<td>Universal Waste Handler: Annual Report</td>
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<td>W913</td>
<td>Universal Waste Handler: Release</td>
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<td>W914</td>
<td>Universal Waste Handler: USEPA Notification</td>
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<td>W915</td>
<td>Universal Waste Handler: Exporting Notification Sent</td>
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<td>66273.40(a)(3)</td>
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<td>W916</td>
<td>Universal Waste Handler: Export Notification Complete</td>
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<td>66273.40(a)(4)</td>
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<td>W920</td>
<td>Universal Waste Handler: Illegal Disposal</td>
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<td>66273.31(a)</td>
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<td>W923</td>
<td>Large Quantity Universal Waste Handler DTSC ID Number</td>
<td>CCR</td>
<td>66273.32(b)</td>
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</tbody>
</table>

**INSPECTED BY:**

KARL WENDT

**RECEIVED BY:**

Nick Osborne

**Signature Date Time:** 10/4/18 3:07:25PM

**Project Manager:**

**Name**

**Name**

**Inspection Date:** 10/4/2018

**Report Date:** 10/4/18 3:08 pm

This report shall serve as a notice to comply for minor violations and a notice of violation for all other violations. THE VIOLATIONS NOTED IN THIS REPORT MUST BE CORRECTED WITHIN 30 DAYS UNLESS OTHERWISE SPECIFIED. FAILURE TO COMPLY MAY RESULT IN LEGAL ACTION. THE CERTIFICATE OF COMPLIANCE SHALL BE SUBMITTED WITHIN THE TIME PERIOD NOTED ABOVE.
CERTIFICATE OF COMPLIANCE

Return certification to inspector KARL WENDT within 30 days of inspection unless otherwise specified.

RESPONDENT: Nick Osborne  
VIOLATION(S) CITED ON: 10/4/2018

FACILITY NAME: 1219 - HDWD Wastewater Project  
FACILITY ID: FA0017708

SITE ADDRESS: 57675 29 Palms HWY  
CERS ID: 10747492

CITY: Yucca Valley  
STATE: CA  
ZIP CODE: 92284

Summary of Violations:

IMPORTANT- Enclose all requested documentation when returning this certification.

W320  CORRECTIVE ACTION: Sign the Certificate of Compliance in attestation that weekly inspections of the hazardous waste storage area will be conducted upon receipt of this report.

W318  CORRECTIVE ACTION: Sign the Certificate of Compliance in attestation that daily hazardous waste tank inspection will be conducted upon receipt of this report.

W104  CORRECTIVE ACTION: Sign the Certificate of Compliance in attestation that a permanent EPA ID Number has been obtained for this facility.

H210  CORRECTIVE ACTION: Submit Business Owner/Operator Identification Page via CERS.

H213  The required local CUPA emergency response phone number was missing from the Emergency Response Plan submitted via CERS on 10/09/2017.

I certify under penalty of law that:

- Respondent has corrected violations specified in the above-entitled action.
- I have personally examined any documentation attached to this certification to establish that the violations have been corrected.
- Based on my examination of the attached documentation and inquiry of the individuals, who prepared or obtained them, I believe the information to be true, accurate and complete.
- I am authorized to file this certification on behalf of the Respondent.
- I am aware there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

_________________________  ________________
SIGNATURE  DATE

_________________________  ________________
PRINT NAME  TITLE

CUPA  San Bernardino County Fire Department • Hazardous Materials Division  
620 South "E" Street, San Bernardino, CA 92415-0153 • (909) 386-8401 FAX (909) 386-8460 • www.sbcfire.org
STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833

In the Matter of the Appeal of:
SUKUT CONSTRUCTION LLC

Employer

Inspection No. 1113163

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED the matter referenced above has been set for hearing at:

Location: 3737 Main Street, Room 204
           Riverside, CA 92501
Date and time: November 14, 2018 at 9:00 a.m.
Judge: Dale A. Raymond

At the hearing, the Occupational Safety and Health Appeals Board will consider the appeal in the manner prescribed by law. The parties must submit all issues for decision at the hearing. A party may be, but need not be, represented by an attorney. Any relevant evidence may be presented and parties will be given full opportunity to cross-examine all witnesses. A party is entitled to issue subpoenas to compel the attendance of witnesses and to issue subpoenas duces tecum to compel the production of documents or things by applying to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833 (California Code of Regulations, title 8, section 372.2).

NOTE: CONTINUANCES ARE DISFAVORED AND WILL BE GRANTED ONLY UPON A CLEAR SHOWING OF GOOD CAUSE. REQUESTS FOR CONTINUANCES SHOULD BE MADE IMMEDIATELY SO THAT IF GRANTED BY A JUDGE, YOUR HEARING MAY BE RESCHEDULED IN A TIMELY FASHION.

POSTING REQUIREMENTS: A copy of this notice must be posted at or near the site of violation, in a location easily read by employees. Additionally, if affected employees have an authorized representative, a copy of this notice shall be served to the representative by first class mail or personal service. Notice of this hearing must also be served to any employee or the representative of an employee who was seriously injured or killed in an accident related to this appeal.

All communications and/or questions regarding the hearing can be addressed by calling the Occupational Safety and Health Appeals Board at (916) 274-5751.

OSHAB 804
Rev. 12/16
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

APPEAL FORM

1113163
Inspection Number on Citation

Sukut Construction LLC
Employer Name on Citation

Employer Legal Name or DBA (Optional)

2390 Alder Ave.
Address
Rialto, CA 92377

DOCKET ____________________________
(Leave blank—Appeals Board will fill in.)

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

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

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

1. This is an Appeal from:

[ X ] CITATION NO(s): __1__ Item No(s): __1__

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

[ ] SPECIAL ORDER/SPECIAL ACTION NO: ____________
  Item No(s): ____________

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

[ X ] The safety order was not violated.

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

[ X ] The abatement requirements are unreasonable.
  [ ] Required changes      [ ] Time allowed to complete changes

[ X ] The proposed penalty is unreasonable.
3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

1. Lack of Employer Knowledge.
2. Independent Employee Act.
3. Exposing Employer Defense: Exposing Employer exercised reasonable diligence to protect employees from hazards. The hazard was a latent hazard of short duration and transitory in nature that the employer could not and did not recognize to exist despite a reasonable investigation. The hazard was created by, and known only to, sub-tier contractors.
4. Citation Fails to Describe Violation with Reasonable Particularity and is Vague and Ambiguous.
5. Logical Time Defense.
7. Employer exercised due diligence to identify, control and abate serious hazards, including but not limited to all high hazard operations at the jobsite with regard to all jobsite personnel and sub-tier contractors through the utilization of extensive monitoring and oversight of jobsite operations.
8. The unsafe work practice was a result of an extreme departure of generally accepted industry standards and/or contractual requirements by sub-tier contractors and/or vendors.
9. The Employer took effective action to eliminate employee exposure to the hazard created by the alleged violation as soon as the alleged violation was discovered, or with due diligence could have been discovered.
10. Unforeseeability.
11. The Division improperly issued multiple citations for the same violation.

(Signature of Employer or Employer's Representative)

Jonathan S. Vick, Esq.

(Type or print name)

Attorney for Employer

(ATKINSON, ANDERSON, LOYA, RUUD & ROMO)

(Address) 12800 Center Court Drive South, Suite 300, Cerritos, CA 90703

(City) (State) (Zip Code)

(562) 653-3200 jvick@aalrr.com May 12, 2016

(Telephone) (E-Mail Address) (Date)

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

A. Use this form to appeal a Citation, Notification of Failure to Abate Alleged Violation, or Special Order/Special Action.

B. You must complete a separate appeal form for each citation or notification you wish to appeal and attach a copy of the complete citation or notification that you are appealing.

C. If the citation or notification being appealed includes more than one item do not use separate appeals forms for each item. Instead, specify the items you are appealing in the space provided in No. 1 on the front of this form. (for example, “Citation No. 1, Item Nos. 2, 5, and 8)

D. Be sure to sign your appeal form and provide all the information requested in No. 4 above.

E. Your appeal form shall be deemed not completed unless you attach a copy of each citation or notification that you are appealing, and failure to file a completed appeal form may result in dismissal of the appeal.

F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer’s obligation to notify the Appeals Board of any changes to the employer’s and/or representative’s contact information.

G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

H. Late appeals will not be accepted unless good cause is shown.
State of California
Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789

Inspection #: 1113163
Issuance Date: 04/28/2016
CSHO ID: W2362
Optional Report #: 

Citation and Notification of Penalty

Company Name: Sukut Construction LLC and its successors
Establishment DBA: 
Inspection Site: 2390 Alder Ave
Rialto, CA 92377

Citation Item 1 Type of Violation: General

Title 8 CCR Section 1509(b) Injury & Illness Prevention Program
(b) every employer shall adopt a written Code of Safe Practices which relates to the employer’s operations. The Code shall contain language equivalent to the relevant parts of Plate A-3 of the Appendix. (Reference Title 8 CCR Section 3203(a)(2)) and (Reference Title 8 CCR Section 1509(b)).

Prior to and during the course of the investigation, including, but not limited to, December 17, 2015 and October 28, 2015, the employer failed to effectively implement the required elements of an Injury & Illness Prevention Program including, but not limited to:

Instance 1: The employer failed to effectively implement and ensure that employees and supervisory employees complied, as prescribed under the General Section Item #2, with their adopted Code of Safe Practices program.

Instance 2: The employer failed to effectively implement and ensure that employees and supervisory employees complied, as prescribed under the Personal Protective Equipment Section Item #2, with their adopted Code of Safe Practices program.

Instance 3: The employer failed to effectively implement and ensure that employees and supervisory employees complied, as prescribed under the Machinery & Equipment Section Item #7, with their adopted Code of Safe Practices program.

Instance 4: The employer failed to effectively implement and ensure that employees and supervisory employees complied, as prescribed under the Cranes, Hoists & Jacked Machinery Item #2, with their adopted Code of Safe Practices program.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
CITATION AND NOTIFICATION OF PENALTY

To:
Sukut Construction LLC
and its successors
4010 West Chandler Avenue
Santa Ana, CA 92704

Inspection Site:
2390 Alder Ave
Rialto, CA 92377

Inspection #:
1113163
Inspection Date(s):
12/17/2015 - 04/28/2016
Issuance Date:
04/28/2016
CSHO ID:
W2362
Optional Report #:
0950633

The violation(s) described in this Citation and Notification of Penalty(s) (are) alleged to have occurred on or about the date(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer. Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.
NOTICE OF PROPOSED PENALTIES

Company Name:  Sukut Construction LLC
Establishment DBA:

and its successors

Inspection Site:  2390 Alder Ave, Rialto, CA 92377
Mailing Address:  4010 West Chandler Avenue, Santa Ana, CA 92704
Issuance Date:  04/28/2016
Reporting ID:  0950633
CSHO ID:  W2362

Summary of Penalties for Inspection Number 1113163

Citation 1 Item 1, General  $840.00
Citation 2 Item 1, Serious  $18000.00
Citation 3 Item 1, Serious  $18000.00

TOTAL PROPOSED PENALTIES:  $36840.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. Additionally, you must also mail the Penalty Remittance Form to the address below.

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DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA  94142-0603

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

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty  Page 10 of 11  Cal/OSHA 2-V1 Rev 2/2015
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

APPEAL FORM

1113163
Inspection Number on Citation

Sukut Construction LLC
Employer Name on Citation

Employer Legal Name or DBA (Optional)
2390 Alder Ave.
Address
Rialto, CA 92377

DOCKET
(Leave blank-Appeals Board will fill in.)

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

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

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

1. This is an Appeal from:
   
   [ X ] CITATION NO(s): 2 Item No(s): 1

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

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

2. Specific ground(s) for this appeal are: (Check all that apply)
   
   [ X ] The safety order was not violated.

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

   [ X ] The abatement requirements are unreasonable.
   [ ] Required changes  [ ] Time allowed to complete changes

   [ X ] The proposed penalty is unreasonable.
3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: http://www.dir.ca.gov/OSHAB/oshab.html

1. Lack of Employer Knowledge.
2. Independent Employee Act.
3. Exposing Employer Defense: Exposing Employer exercised reasonable diligence to protect employees from hazards. The hazard was a latent hazard of short duration and transitory in nature that the employer could not and did not recognize to exist despite a reasonable investigation. The hazard was created by, and known only to, sub-tier contractors.
4. Citation Fails to Describe Violation with Reasonable Particularity and is Vague and Ambiguous.
5. Logical Time Defense.
7. Employer exercised due diligence to identify, control and abate serious hazards, including but not limited to all high hazard operations at the jobsite with regard to all jobsite personnel and sub-tier contractors through the utilization of extensive monitoring and oversight of jobsite operations.
8. The unsafe work practice was a result of an extreme departure of generally accepted industry standards and/or contractual requirements by sub-tier contractors and/or vendors.
9. The Employer took effective action to eliminate employee exposure to the hazard created by the alleged violation as soon as the alleged violation was discovered, or with due diligence could have been discovered.
10. Unforeseeability.
11. The Division improperly issued multiple citations for the same violation.

(Signature of Employer or Employer's Representative)

[If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing]

Jonathan S. Vick, Esq.

(Type or print name)

Attorney for Employer

(Title)

ATKINSON, ANDERSON, LOYA, RUUD & ROMO

(Address) {Address where all communications from the Appeals Board will be sent} 12800 Center Court Drive South, Suite 300, Cerritos, CA 90703

(City) (State) (Zip Code)

(562) 653-3200 jvick@aafrr.com May 12, 2016

(Telephone) (E-Mail Address) (Date)

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

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F. If you or your representative change address, telephone number, and/or e-mail address, it is your responsibility to notify the Appeals Board in writing of the change(s). Otherwise the Appeals Board will continue to use the address it has on file and you risk not receiving notices or other communications from the Appeals Board. Appeals Board regulations make it the employer’s obligation to notify the Appeals Board of any changes to the employer’s and/or representative’s contact information.

G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

H. Late appeals will not be accepted unless good cause is shown.
State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
San Bernardino District Office  
464 West 4th Street, Suite 332  
San Bernardino, CA 92401  
Phone: (909) 383-4321  
Fax: (909) 383-6789

Inspection #: 1113163  
Issuance Date: 04/28/2016  
CSHO ID: W2362  
Optional Report #: 

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Citation and Notification of Penalty

Company Name: Sukut Construction LLC  
Establishment DBA: and its successors  
Inspection Site: 2390 Alder Ave  
Rialto, CA 92377

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Citation 2 Item 1  
Type of Violation: Serious Accident Related

Title 8 CCR Section 3381(a) Head Protection
(a) Employees working in locations where there is a risk of receiving head injuries from flying or falling objects and/or electric shock and burns shall wear approved head protection in accordance with this section.

Prior to and during the course of the investigation, including, but not limited to, December 17, 2015 and October 28, 2015, the employer failed to ensure that employees working in locations where there is a risk of receiving head injuries from flying or falling objects shall wear, at all times during the duration of the work, approved head protection in accordance with this section.

As a result, on October 28, 2015 an employee, supervising a job task involving the repositioning of an existing groundwater monitoring well casing to a new grade, sustained a serious injury to the top of his head when the wire rope attached to an underground pump snapped, while rigged in suspension with the use of a forklift and chain, causing wire couplings, wire rope pieces & other auxiliary attachments of the pump to become airborne. The employee was not wearing his hard hat at the time of impact.

Date By Which Violation Must be Abated:  
Corrected During Inspection:

Proposed Penalty: $18000.00

---

See pages 1 through 2 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
San Bernardino District Office  
464 West 4th Street, Suite 332  
San Bernardino, CA 92401  
Phone: (909) 383-4321  
Fax: (909) 383-6789

CITATION AND NOTIFICATION OF PENALTY

To:  
Sukut Construction LLC  
and its successors  
4010 West Chandler Avenue  
Santa Ana, CA 92704

Inspection Site:  
2390 Alder Ave  
Rialto, CA 92377

Inspection #: I113163  
Inspection Date(s): 12/17/2015 - 04/28/2016  
Issuance Date: 04/28/2016  
CSHO ID: W2362  
Optional Report #:  
Reporting ID: 0950633

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

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Citation and Notification of Penalty  
Page 1 of 11  
Cal/OSHA 2 V1 Rev 2/2015
NOTICE OF PROPOSED PENALTIES

Company Name: Sukut Construction LLC
Establishment DBA: and its successors
Inspection Site: 2390 Alder Ave, Rialto, CA 92377
Mailing Address: 4010 West Chandler Avenue, Santa Ana, CA 92704
Issuance Date: 04/28/2016
Reporting ID: 0950633
CSHO ID: W2362

Summary of Penalties for Inspection Number 1113163

<table>
<thead>
<tr>
<th>Citation</th>
<th>Item</th>
<th>Description</th>
<th>Penalty</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Item 1, General</td>
<td></td>
<td>$840.00</td>
</tr>
<tr>
<td>2</td>
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<td>3</td>
<td>Item 1, Serious</td>
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<td></td>
<td></td>
<td><strong>$36840.00</strong></td>
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P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603

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OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
(916) 274-5751  
FAX (916) 274-5785

APPEAL FORM

1113163  
Inspection Number on Citation

Sukut Construction LLC  
Employer Name on Citation

Employer Legal Name or DBA (Optional)

2390 Alder Ave.  
Address  
Rialto, CA 92377

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

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

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[ ] Required changes  
[ ] Time allowed to complete changes

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8. The unsafe work practice was a result of an extreme departure of generally accepted industry standards and/or contractual requirements by sub-tier contractors and/or vendors.
9. The Employer took effective action to eliminate employee exposure to the hazard created by the alleged violation as soon as the alleged violation was discovered, or with due diligence could have been discovered.
10. Unforeseeability.
11. The Division improperly issued multiple citations for the same violation.

\[Signature\text{ of Employer or Employer’s Representative}\]

\{(If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing)\}

\begin{itemize}
\item Jonathan S. Vick, Esq.
\item (Type or print name)
\item Attorney for Employer
\item (Title)
\item ATKINSON, ANDELSON, LOYA, RUUD & ROMO
\item (Address) \{Address where all communications from the Appeals Board will be sent\}
\item 12800 Center Court Drive South, Suite 300, Cerritos, CA 90703
\item (City) \ (State) \ (Zip Code)
\item (Telephone) \ (E-Mail Address) \ (Date)
\end{itemize}

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State of California
Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789

Citation and Notification of Penalty

Company Name: Sukut Construction LLC
Establishment DBA: and its successors
Inspection Site: 2390 Alder Ave
Rialto, CA 92377

Inspection #: 1113163
Issuance Date: 04/28/2016
C SHO ID: W2362
Optional Report #: 

Citation 3 Item 1 Type of Violation: Serious Accident Related

Title 8 CCR Section 3328(a) Machinery & Equipment
Machinery and equipment shall be of adequate design and shall not be used or operated under conditions of speeds, stresses, or loads which endanger employees.

Prior to and during the course of the investigation, including, but not limited to, December 17, 2015 and October 28, 2015, the employer failed to ensure that machinery and equipment shall be of adequate design and shall not be used or operated under conditions of speeds, stresses, or loads which endanger employees.

As a result, on October 28, 2015 an employee, supervising a job task involving the repositioning of an existing groundwater monitoring well casing to a new grade, sustained a serious injury to the top of his head when the wire rope attached to an underground pump snapped, while rigged in suspension with the use of a forklift and chain, causing wire couplings, wire rope pieces & other auxiliary attachments of the pump to become airborne.

Date By Which Violation Must be Abated: 
Proposed Penalty: 
Corrected During Inspection: $13000.00

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CITATION AND NOTIFICATION OF PENALTY

To:
Sukut Construction LLC
and its successors
4010 West Chandler Avenue
Santa Ana, CA 92704

Inspection Site:
2390 Alder Ave
Rialto, CA 92377

Inspection #: 1113163
Inspection Date (s): 12/17/2015 - 04/28/2016
Issuance Date: 04/28/2016
CSHO ID: W2362
Optional Report #: 0950633

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Company Name: Sukut Construction LLC
Establishment DBA: and its successors
Inspection Site: 2390 Alder Ave, Rialto, CA 92377
Mailing Address: 4010 West Chandler Avenue, Santa Ana, CA 92704
Issuance Date: 04/28/2016
Reporting ID: 0950633
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DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603

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STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833

In the Matter of the Appeal of:
SUKUT CONSTRUCTION, LLC; SUKUT
CONSTRUCTION, INC.; SUKUT CONSTRUCTION

Employer

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED the matter referenced above has been set for hearing at:

| Location: 100 N. Barranca Street Suite 410, RM 2 |
| West Covina, CA 91791 |
| Date and time: December 7, 2018 at 9:00 a.m. |
| Judge: Dale A. Raymond |

At the hearing, the Occupational Safety and Health Appeals Board will consider the appeal in the manner prescribed by law. The parties must submit all issues for decision at the hearing. A party may be, but need not be, represented by an attorney. Any relevant evidence may be presented and parties will be given full opportunity to cross-examine all witnesses. A party is entitled to issue subpoenas to compel the attendance of witnesses and to issue subpoenas duces tecum to compel the production of documents or things by applying to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833 (California Code of Regulations, title 8, section 372.2).

NOTE: CONTINUANCES ARE DISFAVORED AND WILL BE GRANTED ONLY UPON A CLEAR SHOWING OF GOOD CAUSE. REQUESTS FOR CONTINUANCES SHOULD BE MADE IMMEDIATELY SO THAT IF GRANTED BY A JUDGE, YOUR HEARING MAY BE RESCHEDULED IN A TIMELY FASHION.

POSTING REQUIREMENTS: A copy of this notice must be posted at or near the site of violation, in a location easily read by employees. Additionally, if affected employees have an authorized representative, a copy of this notice shall be served to the representative by first class mail or personal service. Notice of this hearing must also be served to any employee or the representative of an employee who was seriously injured or killed in an accident related to this appeal.

All communications and/or questions regarding the hearing can be addressed by calling the Occupational Safety and Health Appeals Board at (916) 274-5751.
August 11, 2017

VIA EMAIL AND FIRST CLASS MAIL

Cecilia Rangel, SPHR
Human Resources Director
Sukut Construction
4010 W. Chandler Ave.
Santa Ana, CA 92704

crangel@sukut.com

Re: In the Matter of the Appeal of Sukut Construction
Inspection No. 1237938

Dear Ms. Rangel:

Enclosed please find the Notice of Docketed Appeal from the Cal/OSHA Appeals Board dated August 87, 2017 enclosing a copy of the appeals which we filed on behalf of Sukut Construction.

This letter also encloses two documents. One entitled “Mandatory Notice to Employees of Your Right to Participate in Cal/OSHA Appeals Board Proceedings.” The second is a good summary of the rules and procedures which govern the appeal. Please pay particular attention to the first paragraph of the summary of rules regarding the Participation Notice – Service and Posting.

As with the initial citations, you must now post on the employee bulletin board a copy of the Notice to Participate in Cal/OSHA Appeals Board Proceedings as well as a copy of the docketed appeals.

Cal/OSHA Appeals Board rules require that a copy be served on the injured employee.

Please delegate to the appropriate individual the role of posting the Participation Notice and citations on the employee bulletin board and service of a copy directly upon the injured employee. That person should prepare a letter to me confirming that the posting and service have been done.
I, in turn, will notify the Department of Occupational Safety and Health’s Los Angeles office that the posting and service have been accomplished.

Should you have any questions, please give me a call.

Regards,

Jonathan S. Vick

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

ATTN: Cecilia Rangel
Sukut Construction, LLC; Sukut Construction, Inc.; Sukut Construction
4010 W. Chandler Avenue
Santa Ana, CA  92704
DECLARATION OF SERVICE BY MAIL OR EMAIL

I, Carri Riedel, 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 08/09/2017, I served a copy of the attached Notice of Docketed Appeal 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: 08/09/2017   Place mailed: (city, state): Sacramento, CA
ATTN: Cecilia Rangel
Sukut Construction, LLC; Sukut Construction, Inc.; Sukut Construction
4010 W. Chandler Avenue
Santa Ana, CA 92704

4. On 08/09/2017, I electronically served the document listed in item 2 as follows:

<table>
<thead>
<tr>
<th>NAME OF PERSON SERVED</th>
<th>ELECTRONIC SERVICE ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nathan Schmidt, DOSH Legal</td>
<td><a href="mailto:nschmidt_doshlegal@dir.ca.gov">nschmidt_doshlegal@dir.ca.gov</a></td>
</tr>
<tr>
<td>DOSH Northern Office</td>
<td><a href="mailto:doshlegal_oak@dir.ca.gov">doshlegal_oak@dir.ca.gov</a></td>
</tr>
<tr>
<td>Richard Fazlollahi</td>
<td><a href="mailto:RFazlollahi@dir.ca.gov">RFazlollahi@dir.ca.gov</a></td>
</tr>
<tr>
<td>Jonathan S. Vick</td>
<td><a href="mailto:jvick@aalrr.com">jvick@aalrr.com</a></td>
</tr>
</tbody>
</table>

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

Carri Riedel

(TYPE OR PRINT NAME OF DECLARANT)  (SIGNATURE OF DECLARANT)

OSHAB 400  DECLARATION OF SERVICE BY MAIL OR EMAIL  Rev. 06/16
The California Occupational Safety and Health Appeals Board (Appeals Board) has received your completed appeal. For all future correspondence, please use the Inspection Number that appears on this document above. Your appeal has been assigned to Administrative Law Judge Jacqueline Jones to begin the adjudication process.

The attached docketed appeal package contains the following information regarding your appeal:

1. A printed appeal form containing all the information you provided to the Appeals Board. Please review the appeal form carefully to ensure that we correctly entered your important information and all of the items you intended to appeal.

2. Employer’s Mandatory Posting Requirements includes instructions and information explaining your obligation to post information about your appeal and report the posting to the Cal/OSHA District Manager.

3. A blank Mandatory Participation Notice to Employees for you to fill out and post at or near the worksite where the citation was issued.

Copies of this package have also been sent to your representative (if any), the Division of Occupational Safety and Health (Cal/OSHA) and any other party to this proceeding.

All communications and/or questions regarding your docketed appeal can be addressed by calling the California Occupational Safety and Health Appeals Board at (916) 274-5751.
**OSHAB APPEAL FORM**

Note: You have a total of 15 working days from receipt of a citation to file an appeal. Attach a complete copy of your citation package along with this appeal form. Failure to file a completed form may result in dismissal of the appeal. Late appeals will not be accepted unless good cause is shown. Please print legibly or type all information.

**A. CITATION INFORMATION**

**Please complete the following information as indicated on your citation.**

1. Case (Inspection) #: 1237938  
   Issuance date: 07/27/2017  
   Reporting ID#: 0950631

2. Employer: SUKUT CONSTRUCTION, LLC; SUKUT  
   Date Citation Received: 07/31/2017

3. Employer legal name or DBA (Optional):

4. Employer contact: Cecilia Rangel

5. Address: 4010 W. CHANDLER AVENUE  
   City: Santa Ana  
   State: CA  
   ZIP code: 92704

6. Primary phone: (714) 540-5351  
   Secondary phone:

7. Email address: crangel@sukut.com

8. Preferred method of service:  
   X U.S. Postal Service  
   OR  
   Email  
   (Choose one only)

1. Firm name: Atkinson, Andelson, Loya, Ruud & Romo

2. Representative name: Jonathan Vick

3. Address: 12800 Center Court Drive, Suite 300  
   City: Cerritos  
   State: CA  
   ZIP code: 90703

4. Primary phone: (562) 653-3200  
   Secondary phone:

5. Email address: jvick@aalrr.com

6. Preferred method of service:  
   _ U.S. Postal Service  
   OR  
   _ Email  
   (Choose one only)

   I am the:  
   Representative  
   Employer  
   Other _

I understand that it is my responsibility under Appeals Board regulations to notify the Appeals Board in writing if there are any changes to either employer or representative address, telephone number, and/or email address.

**SIGNATURE ON FILE**

Signature of employer or employer's representative  
Date

Jonathan Vick  
(562) 653-3200

Print name and title  
Phone No.
Please note that you must complete page 2 of this OSHAB Appeal Form for each citation/item. Appellant must complete a separate page 2 for each citation/item

### D. APPEAL INFORMATION

1. This is an Appeal of:
   - [X] CITATION AND NOTIFICATION OF PENALTY
     - CITATION No.: 1
     - ITEM No.: 1
   - [ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
   - [ ] SPECIAL ORDER / ORDER TO TAKE SPECIAL ACTION

2. Specific ground(s) for this appeal are: *(Check all that apply)*
   - [X] The safety order was not violated.
   - [X] The classification (i.e. serious, willful, repeat) is incorrect.
   - [X] The abatement requirements are unreasonable:
     - [X] Required changes
     - [X] Time allowed to complete changes
   - [X] The proposed penalty is unreasonable.

3. An affirmative defense is a justification or excuse that if proved by appellant relieves the cited employer of all or some of the responsibility for the alleged violation. An affirmative defense must be raised by the appellant in a timely manner. **Affirmative defenses for this appeal are: (Check all that apply)**
   - [X] Independent employee action caused the violation.
   - [ ] A different safety order applied to the work activity that is the subject of the citation, and the appellant was in compliance with that other safety order. *(The different safety order should be identified.)*
   - [ ] An exception exists in the California Code of Regulations, Title 8 which allows for the action that is the subject of the citation. *(The specific safety order containing the exception should be identified.)*
   - [ ] The inspection that gave rise to the citation was invalid because the Division employee who inspected the appellant's worksite failed to comply with laws governing administrative searches.
   - [X] Another affirmative defense: other affirmative defenses may exist and can be asserted by the employer. If the appellant contends one or more affirmative defenses exist, the appellant may, but is not required to, provide a short, plain statement in writing setting forth the facts or circumstances which, if true, would prove the affirmative defense. **Affirmative defenses on file.**
D. APPEAL INFORMATION

1. This is an Appeal of:

- **X** CITATION AND NOTIFICATION OF PENALTY
  - CITATION No.: 2
  - ITEM No.: 1
- __ NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
- __ SPECIAL ORDER / ORDER TO TAKE SPECIAL ACTION

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

- **X** The safety order was not violated.
- **X** The classification (i.e. serious, willful, repeat) is incorrect.
- **X** The abatement requirements are unreasonable:
  - **X** Required changes
  - __ Time allowed to complete changes
- **X** The proposed penalty is unreasonable.

3. An affirmative defense is a justification or excuse that if proved by appellant relieves the cited employer of all or some of the responsibility for the alleged violation. An affirmative defense must be raised by the appellant in a timely manner. **Affirmative defenses for this appeal are:** (Check all that apply)

- **X** Independent employee action caused the violation.
- __ A different safety order applied to the work activity that is the subject of the citation, and the appellant was in compliance with that other safety order. (The different safety order should be identified.)
- __ An exception exists in the California Code of Regulations, Title 8 which allows for the action that is the subject of the citation. (The specific safety order containing the exception should be identified.)
- __ The inspection that gave rise to the citation was invalid because the Division employee who inspected the appellant’s worksite failed to comply with laws governing administrative searches.
- **X** Another affirmative defense: other affirmative defenses may exist and can be asserted by the employer. If the appellant contends one or more affirmative defenses exist, the appellant may, but is not required to, provide a short, plain statement in writing setting forth the facts or circumstances which, if true, would prove the affirmative defense. **Affirmative defenses on file.**
D. APPEAL INFORMATION

1. This is an Appeal of:

   X CITATION AND NOTIFICATION OF PENALTY
      CITATION No.: 3 ITEM No.: 1
   ___ NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
   ___ SPECIAL ORDER / ORDER TO TAKE SPECIAL ACTION

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

   X The safety order was not violated.
   X The classification (i.e. serious, willful, repeat) is incorrect.
   X The abatement requirements are unreasonable:
      X Required changes        X) Time allowed to complete changes
   X The proposed penalty is unreasonable.

3. An affirmative defense is a justification or excuse that if proved by appellant relieves the cited employer of all or some of the responsibility for the alleged violation. An affirmative defense must be raised by the appellant in a timely manner. Affirmative defenses for this appeal are: (Check all that apply)

   X Independent employee action caused the violation.
   ___ A different safety order applied to the work activity that is the subject of the citation, and the appellant was in compliance with that other safety order. (The different safety order should be identified.)
   ___ An exception exists in the California Code of Regulations, Title 8 which allows for the action that is the subject of the citation. (The specific safety order containing the exception should be identified.)
   ___ The inspection that gave rise to the citation was invalid because the Division employee who inspected the appellant’s worksite failed to comply with laws governing administrative searches.
   X) Another affirmative defense: other affirmative defenses may exist and can be asserted by the employer. If the appellant contends one or more affirmative defenses exist, the appellant may, but is not required to, provide a short, plain statement in writing setting forth the facts or circumstances which, if true, would prove the affirmative defense. Affirmative defenses on file.
D. APPEAL INFORMATION

1. This is an Appeal of:

   X CITATION AND NOTIFICATION OF PENALTY
   CITATION No.: 4 ITEM No.: 1
   __ NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
   __ SPECIAL ORDER / ORDER TO TAKE SPECIAL ACTION

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

   X The safety order was not violated.
   X The classification (i.e. serious, willful, repeat) is incorrect.
   X The abatement requirements are unreasonable:
     X Required changes   X Time allowed to complete changes
   X The proposed penalty is unreasonable.

3. An affirmative defense is a justification or excuse that if proved by appellant relieves the
cited employer of all or some of the responsibility for the alleged violation. An affirmative
defense must be raised by the appellant in a timely manner. Affirmative defenses for this
appeal are: (Check all that apply)

   X Independent employee action caused the violation.
   __ A different safety order applied to the work activity that is the subject of the citation, and
   the appellant was in compliance with that other safety order. (The different safety order
   should be identified.)
   __ An exception exists in the California Code of Regulations, Title 8 which allows for the
   action that is the subject of the citation. (The specific safety order containing the exception
   should be identified.)
   __ The inspection that gave rise to the citation was invalid because the Division employee
   who inspected the appellant's worksite failed to comply with laws governing administrative
   searches.
   X Another affirmative defense: other affirmative defenses may exist and can be asserted by
   the employer. If the appellant contends one or more affirmative defenses exist, the appellant
   may, but is not required to, provide a short, plain statement in writing setting forth the facts
   or circumstances which, if true, would prove the affirmative defense. Affirmative defenses
   on file.
State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
Santa Ana District Office  
2000 E. McFadden Avenue, Suite 122  
Santa Ana, CA 92705  
Phone: (714) 558-4431  
Fax: (714) 558-2035

CITATION AND NOTIFICATION OF PENALTY

To:  
Sukut Construction, LLC; Sukut Construction, Inc.  
Sukut Construction  
and its successors  
4010 W Chandler Ave  
Santa Ana, CA 92704  

Inspection Site:  
Technology & Laguna Canyon Rd.  
Irvine, CA 92618  

Inspection #: 1237938  
Inspection Date(s): 06/07/2017 - 07/27/2017  
Issuance Date: 07/27/2017  
CSHO ID: J2352  
Optional Report #: 039-17  
Reporting ID: 0950631

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 (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer. Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

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

Citation and Notification of Penalty  
Page 1 of 10  
Cal/OSHA: 2 V1 Rev 2/2015
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 agreement which resolves this matter without litigation or contest.

**APPEAL RIGHTS**

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board. In writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
Telephone: (916) 274-5751 or (877) 252-1987  
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, at (916) 274-5751 or (877) 252-1987.

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

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, inspection number, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. Additionally, you must also mail the Penalty Remittance Form to the address below.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

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

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the district office listed on the Citation by submitting the Cal/OSHA 160 form with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The adjusted penalty for serious violations, if any, has already been reduced by 50% because abatement of those violations has been completed.

Note: Return the Cal/OSHA 160 form to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Santa Ana District Office
2000 E. McFadden Avenue, Suite 122
Santa Ana, CA 92705
Telephone: (714) 558-4451
Fax: (714) 558-2035

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

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee’s representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a district office of the Division.

**Employees Participation in Informal Conference** - Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY - Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.
Citation and Notification of Penalty

**Company Name:** Sukut Construction, LLC; Sukut Construction, Inc.
**Establishment DBA:** Sukut Construction and its successors
**Inspection Site:** Technology & Laguna Canyon Rd. Irvine, CA. 92618

**Inspection #:** 1237938
**Inspection Dates:** 06/07/2017 - 07/27/2017
**Issuance Date:** 07/27/2017
**CSHO ID:** J2352
**Optional Report #:** 039-17

Citation 1 Item 1 Type of Violation: General

California Code of Regulations, Title 8, 3203. Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating workplace hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard.

Prior to and during the course of the inspection, including but not limited to June 7, 2017, the Employer failed to establish and implement their Injury and Illness Prevention Program for employees located at the job site located near Technology Dr. and Laguna Canyon Rd. in Irvine, in that they failed to identify, evaluate and correct workplace hazards to identify and correct unsafe conditions and work practices for employees in accordance with the written procedures of their written Injury and Illness Prevention Program, which is essential to their overall program.

Date By Which Violation Must be Abated: Proposed Penalty: Corrected During Inspection

$700.00
Citation and Notification of Penalty

Company Name: Sukut Construction, LLC; Sukut Construction, Inc.
Establishment DBA: Sukut Construction and its successors
Inspection Site: Technology & Laguna Canyon Rd. Irvine, CA 92618

Citation 2 Item 1 Type of Violation: Serious

California Code of Regulations, Title 8, 1541, General Requirements.

(c) Access and egress.

(2) Means of egress from trench excavations.

A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet or more in depth so as to require no more than 25 feet of lateral travel for employees.

Prior to and during the course of the inspection, including but not limited to, on June 7, 2017, the Employer failed to provide employees with safe means of egress from a trench excavation 4 feet or more in depth so as to require no more than 25 feet of lateral travel for employees. Employees were working in an 11 foot excavation when a single ladder was located approximately 30 feet from where they were working at the job site near Laguna Canyon Rd. and Technology Dr. in Irvine, CA.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: $5060.00
State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
Santa Ana District Office  
2000 E. McFadden Avenue, Suite 122  
Santa Ana, CA 92705  
Phone: (714) 558-4451  Fax: (714) 558-2035

Citation and Notification of Penalty

Company Name: Sukut Construction, LLC; Sukut Construction, Inc.  
Establishment DBA: Sukut Construction and its successors  
Inspection Site: Technology & Laguna Canyon Rd.  
Irvine, CA 92618

Citation 3 Item 1 Type of Violation: Serious Accident Related

California Code of Regulations, Title 8 Section 1541, General Requirements.

(1) Fall protection.

(2) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and other similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

Prior to and during the course of the inspection, including, but not limited to, on June 7, 2017, the Employer failed to protect employees from falls by providing adequate barrier physical protection for employees working above an 11 foot trench. As a result, on or about June 2, 2017, an employee suffered a serious injury when he fell approximately 11 feet into an open trench located at the job site near Laguna Canyon Rd. and Technology Dr. in Irvine, CA.

Date By Which Violation Must be Abated:  
Proposed Penalty:  
Corrected During Inspection $18000.00

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

Citation and Notification of Penalty  
Page 7 of 10  
Cal/OSHA 2. V1 Rev 2/2015
State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
Santa Ana District Office  
2000 E. McFadden Avenue, Suite 122  
Santa Ana, CA 92705  
Phone: (714) 558-4451  Fax: (714) 558-2035

Citation and Notification of Penalty

Company Name:  Sukut Construction, LLC; Sukut Construction, Inc.
Establishment DBA:  Sukut Construction and its successors
Inspection Site:  Technology & Laguna Canyon Rd.
Irvine, CA 92618

Citation 4 Item 1  
Type of Violation: Serious

California Code of Regulations, Title 8, 1541.1. Requirements for Protective Systems.

(a) Protection of employees in excavations.

(1) Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with Section 1541.1(b) or (c) except when:

(A) Excavations are made entirely in stable rock; or

(B) Excavations are less than 5 feet in depth and examination of the ground by a competent person provides no indication of a potential cave-in.

Prior to and during the course of the investigation, including, but not limited to, on June 7, 2017, Employer failed to ensure that employees working in an 11 foot excavation were protected from cave-ins by an adequate protective system designed in accordance with Section 1541.1 (b) or (c), at the job site located near Laguna Canyon Rd. and Technology Dr. in Irvine, CA.

Date By Which Violation Must Be Abated: 
Proposed Penalty:

Corrected During Inspection $8435.00

Jason Brissey / Richard Fazlollahi 
Compliance Officer / District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty  
Page 8 of 10
Col/OSHA 2 V1 Rev 2/2015
NOTICE OF PROPOSED PENALTIES

Company Name: Sukut Construction, LLC; Sukut Construction Inc.
Establishment DBA: Sukut Construction
and its successors
Inspection Site: Technology & Laguna Canyon Rd., Irvine, CA 92618
Mailing Address: 4010 W Chandler Ave, Santa Ana, CA 92704
Issuance Date: 07/27/2017
Reporting ID: 0950631
CSHO ID: J2352

Summary of Penalties for Inspection Number 1237938

<table>
<thead>
<tr>
<th>Citation Item</th>
<th>Description</th>
<th>Penalty Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Item 1</td>
<td>General</td>
<td>$700.00</td>
</tr>
<tr>
<td>2 Item 1</td>
<td>Serious</td>
<td>$5060.00</td>
</tr>
<tr>
<td>3 Item 1</td>
<td>Serious</td>
<td>$18000.00</td>
</tr>
<tr>
<td>4 Item 1</td>
<td>Serious</td>
<td>$8435.00</td>
</tr>
</tbody>
</table>

TOTAL PROPOSED PENALTIES: $32195.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. Additionally, you must also mail the Penalty Remittance Form to the address below.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P.O. BOX 420603
SAN FRANCISCO, CA 94142-0603

Cal/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH – CAL/OSHA  
Accounting Office - Cashiering Unit  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4291 or (415) 703-4308  
Fax (415) 703-3037  

Please mail or fax this form back to the above address to properly credit your payment.

# PENALTY REMITTANCE FORM  

| CIVIL PENALTY INFO | INSPECTION NO.: | REPORTING ID: | ESTABLISHMENT NAME: | Sukut Construction, LLC; Sukut Construction, inc. | FEIN/SEIN: | UNKNOWN |
| PHONE NO.: | UNKNOWN | FAX NO.: | UNKNOWN |
| SITE ADDRESS: | Technology & Laguna Canyon Rd., Irvine, CA 92618 |
| MAILING ADDRESS: | 4010 W Chandler Ave, Santa Ana, CA 92704 |

**CITATION INFORMATION:** Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this Citation, remittance is still due on all items that are not appealed.

**PAYMENT INSTRUCTIONS:**  
- Put a "✓" next to the Citation(s) that you are paying.  
- Write the amount paid in the "AMOUNT PAID" column.  
- Please indicate the "TOTAL AMOUNT PAID".

<table>
<thead>
<tr>
<th>✓</th>
<th>SUMMARY OF PENALTIES PAID</th>
<th>AMOUNT PAID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citation 1 Item 1, General</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Citation 2 Item 1, Serious</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Citation 3 Item 1, Serious</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Citation 4 Item 1, Serious</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL AMOUNT PAID**

$ 

**TYPE OF PAYMENT ENCLOSED**

Fill in the check, e-check reference, or money order information below:

<table>
<thead>
<tr>
<th>CHECK #</th>
<th>ENCLOSED IN THE AMOUNT OF:</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-CHECK REFERENCE #</td>
<td>PAID IN THE AMOUNT OF:</td>
<td>$</td>
</tr>
<tr>
<td>MONEY ORDER #</td>
<td>ENCLOSED IN THE AMOUNT OF:</td>
<td>$</td>
</tr>
</tbody>
</table>

Please make check or money order payable to Department of Industrial Relations - Cal/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order. Note: For your convenience, the Department of Industrial Relations accepts electronic payments at [www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html). Again, please mail or fax this form to the above address or fax...
NOTICE OF VERIFICATION OF ABATEMENT OF SERIOUS VIOLATIONS

Sukut Construction, LLC; Sukut Construction, Inc.
Sukut Construction
4010 W Chandler Ave
Santa Ana, CA 92704

During the course of an inspection or re-inspection at a place of employment located at:

Technology & Laguna Canyon Rd.
Irvine, CA 92618

The Division has verified abatement of the following Citation(s) alleging a serious violation or Special Orders(s) or Orders(s) to Take Special Action:

<table>
<thead>
<tr>
<th>Citation or Order No.</th>
<th>Number of Instances</th>
<th>Date Division Verified Abatement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1541(c)(2)</td>
<td>1</td>
<td>6/9/17</td>
</tr>
<tr>
<td>1541(l)(2)</td>
<td>1</td>
<td>6/9/17</td>
</tr>
<tr>
<td>1541.1(a)(1)</td>
<td>1</td>
<td>6/9/17</td>
</tr>
</tbody>
</table>

Signature: ____________________________________________ Date of Issuance: 7/27/17
Compliance Safety and Health Officer

This notice is provided to the employer in accordance with the provisions of California Labor Code Section 6318(b). The employer is required to post this notice for three (3) working days at or near the location of the alleged violation.

RID: 0950631
Inspection Nr.: 1237938
CSHO ID: J2352
Optional Report Nr.: 039-17
NOTICE OF ACCIDENT-RELATED VIOLATION AFTER INVESTIGATION

Sukut Construction, LLC; Sukut Construction, Inc.
Sukut Construction
4010 W Chandler Ave
Santa Ana, CA 92704

An investigation of an industrial accident or occupational illness was conducted by Jason Brissey at a place of employment located at Technology & Laguna Canyon Rd., Irvine, on 06/07/2017.

Describe the condition(s) inspected:

Circumstances related to the incident that occurred on or about June 2, 2017 that resulted in a serious physical injury to an employee as the result of work being performed near an open trench.

It has been determined by the Division that the fatal or serious injury, illness or exposure described above was related to the following serious, willful or repeat violation:

<table>
<thead>
<tr>
<th>Serious Accident Related Classification of Violation</th>
<th>Title 8 CCB Section</th>
</tr>
</thead>
</table>
| Signature

Compliance Safety and Health Officer |

District Manager

Date of issuance: 07/27/2017

Date investigation completed: 07/27/2017

Upon request, the Division will provide the employer with a copy of its inspection report pertaining to this investigation.

0950631 NID

12352 CSHO ID

039-17 Optional Report Nr.

1237938 Inspection Nr.
EASTERN MUNICIPAL WATER DISTRICT
BID BOND

Bid Bond No. N/A

KNOW ALL MEN BY THESE PRESENTS, that we Sukut Construction, LLC
(Here insert full name and address or legal title of Contractor)

4010 West Chandler Avenue, Santa Ana, CA 92704 as Principal, hereinafter called the Principal, and Liberty Mutual Insurance Company, 790 The City Drive South, Suite 200, Orange, CA 92868 (Here insert full name and address or legal title of Surety)

a corporation duly organized under the laws of the State of Massachusetts, hereinafter called the Surety, are held and firmly bound unto Eastern Municipal Water District, Obligee, hereinafter called the Obligee, in the sum of Ten percent of the total amount bid Dollars (10% of the total amount bid), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

WHEREAS, the Principal has submitted a bid, dated November 14, 2018, for Solar Renewable Energy Initiative - Phase 3, Site Preparation Construction, Specification No. 1345 (Here insert full name, address and description of Project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding of Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

In the event suit is brought upon this Bond by Obligee and judgement is recovered, the Surety shall pay all costs incurred by Obligee in such suits to be fixed by the court.

Signed and sealed this 2nd day of November, 2018

CONTRACTOR AS PRINCIPAL
Company:
Sukut Construction, LLC

SURETY
Company: Liberty Mutual Insurance Company

Signature: Signature:
Name: Michael Greenlee Name: Rhonda C. Abel
Title: Vice President/Chief Estimator Title: Attorney-in-Fact

This Bid Bond (BB-1) form shall be submitted to be considered a responsive bid

Notary Public Acknowledgment required for Surety and Contractor

Rev:04/06/16

BB-1

00040 Bid Bond
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of _Orange__  

On _NOV 02 2018_ before me, __Heather Rose Saltarelli, Notary Public__, 

_Date__

personally appeared __Rhonda C. Abel__

_Name(s) of Signer(s)_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in their/their authorized capacity(ies), and that by their/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_Signature_ __Heather Rose Saltarelli__  

Signature of Notary Public

Place Notary Seal Above  

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

_Title or Type of Document:_  

Document Date: ____________

Number of Pages: _______ Signer(s) Other Than Named Above: ____________

Capacity(ies) Claimed by Signer(s)

_Signer’s Name:_  

Corporate Officer — Title(s): ____________  

Partner — Limited  Limited  General  

Individual  x: Attorney In Fact  

Trustee  Guardian or Conservator  

Other: ____________

_Signer Is Representing:_  

_Signer’s Name:_  

Corporate Officer — Title(s): ____________  

Partner — Limited  Limited  General  

Individual  x: Attorney In Fact  

Trustee  Guardian or Conservator  

Other: ____________

_Signer Is Representing:_ ____________

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POWERS OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire; that Liberty Mutual Insurance Company is a corporate entity duly organized under the laws of the State of Indiana; and West American Insurance Company is a corporation duly organized under the laws of the State of Pennsylvania (hereinafter collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Rhonda C. Abel; Jeri Apodaca; Maria Guile; Kim Luu; Michael D. Parzino; Rachelle Rheault; Heather Sattarelli; James A. Schaller, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereon this 27th day of June, 2018.

By:

[Seal]

David M. Carey, Assistant Secretary

The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY

On this 27th day of June, 2018, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes hereinafter contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.

By:

[Teresa Pastella, Notary Public]

COMMONWEALTH OF PENNSYLVANIA

[Seal]

Member, Pennsylvania's Association of Notaries

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV—OFFICERS— Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys in fact, as may be necessary to act on behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII—Execution of Contracts—SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as necessary to act on behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation—The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization—By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, whenever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Companies this day of NOV 02 2018.

By:

[Renee C. Llewellyn, Assistant Secretary]
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On 11/13/18 before me, K.J. Kaiser, Notary Public, personally appeared Michael Greenlee

Date __________________________________________________________________________
Name(s) of Signer(s) __________________________________________________________________________

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they did execute the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature __________________________________________________________________________

Signature of Notary Public

K. J. KAISER
Commission # 2119760
Notary Public - California
Riverside County
My Comm. Expires Aug 13, 2019

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: __________________________ Document Date: __________________________
Number of Pages: _______ Signer(s) Other Than Named Above: __________________________

Capacity(ies) Claimed by Signer(s)
Signer's Name: __________________________
☐ Corporate Officer — Title(s): __________________________
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other:
Signer Is Representing: __________________________

Signer's Name: __________________________
☐ Corporate Officer — Title(s): __________________________
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other:
Signer Is Representing: __________________________

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