

SECRETARY OF LABOR,

Complainant,

v.

PICO INDUSTRIES, INC.,

Respondent.

DOCKET NO. 02-1146

APPEARANCES:

Yusef M. Mohamed, Esq.  
Linda H. Ghosal, Esq.  
Office of the Solicitor of Labor  
U.S. Department of Labor  
For Complainant

Lewis Mulittz  
President, Pico Industries  
Pro Se  
For Respondent

BEFORE: MICHAEL H. SCHOENFELD  
Administrative Law Judge

**DECISION AND ORDER**

This proceeding is before the Occupational Safety and Health Review Commission (“the Commission”) pursuant to section 10(c) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 *et seq.* (“the Act”). This case arose following an OSHA inspection conducted on or about June 24, 2002. Following the inspection, the Secretary issued to Pico Industries (“Pico”), Respondent herein, one citation alleging two serious violations of construction safety standards appearing in part 1926 of Title 29 of the Code of Federal Regulations and proposed civil penalties totaling \$4,200.00.

On August 16, 2002, the Chief Administrative Law Judge assigned this matter to the undersigned Administrative Law Judge and designated it for processing under the Commission’s “E-Z Trial” procedures pursuant to Commission Rule 203, 29 C.F.R. § 2200.203. A hearing in this matter was held on December 13, 2002, in Washington, D.C., at which both parties appeared and gave evidence. As authorized by Rule 209(f), 29 C.F.R. § 2200.209(f), I rendered my decision and

order from the bench. (Tr. 117 - 124) That decision and order is attached hereto and incorporated in its entirety.

## **ORDER**

1. Citation one, item 1 is AFFIRMED as a serious violation of the Act. A civil penalty of \$500.00 is assessed therefor.
2. Citation one, item 2 is AFFIRMED as an other-than-serious violation of the Act. A civil penalty of \$150.00 is assessed therefor.

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Michael H. Schoenfeld, Judge OSHRC

Dated: January 27, 2003  
Washington, D.C.