

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

ATTN: Jeff Berk
Santa Rosa Police Department
100 Santa Rosa Ave., Rm 8
Santa Rosa, CA 95404

DECLARATION OF SERVICE BY MAIL OR EMAIL

Inspection Number
1472724

I, Nichole Franco, declare:

1. I am at least 18 years of age, not a party to this action, and I am employed in Sacramento County at 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
2. On 09/07/2021, I served a copy of the attached Settlement Order in an envelope addressed as shown below and placed the envelope for collection and mailing on the date and at the place shown in item 3 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
3. Date mailed: 09/07/2021 Place mailed: (city, state): Sacramento, CA

ATTN: Jeff Berk
Santa Rosa Police Department
100 Santa Rosa Ave., Rm 8
Santa Rosa, CA 95404

4. On 09/07/2021, I electronically served the document listed in item 2 as follows:

NAME OF PERSON SERVED	ELECTRONIC SERVICE ADDRESS
<u>Chris Grossgart, DOSH Legal</u>	<u>cgrossgart_doshlegal@dir.ca.gov</u>
<u>Rocio Reyes, DOSH Legal</u>	<u>rreyes_doshlegal@dir.ca.gov</u>
<u>DOSH Northern Office</u>	<u>doshlegal_oak@dir.ca.gov</u>
<u>Carl S Paganelli</u>	<u>cpaganelli@dir.ca.gov</u>
<u>Manuel M. Melgoza</u>	<u>office@oshalaw.net</u>
<u>Kathy Lynn Garner</u>	<u>KGarner@dir.ca.gov</u>

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

Nichole Franco

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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

In the Matter of the Appeal of:

**SANTA ROSA POLICE DEPARTMENT
100 SANTA ROSA AVE., RM 8
SANTA ROSA, CA 95404**

Inspection Number
1472724

SETTLEMENT ORDER

Employer

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

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

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

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

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

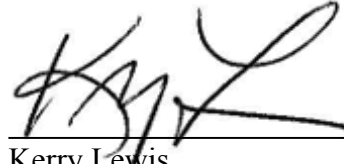
In *Central Valley Engineering & Asphalt*, Cal/OSHA App. 08-5001, Decision After Reconsideration (December 4, 2012), the Appeals Board determined that Labor Code section 6409.1, subdivision (b), allows for modification to the proposed \$5,000 penalty for failing to timely report a serious injury pursuant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

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

The parties further stipulate that the Alleged Violation Description (AVD) in Citation 4 shall be added as Instance 2 of the Notice in Lieu of Citation that was previously issued as Citation 2.

IT IS SO ORDERED.

Dated: 09/01/2021

A handwritten signature in black ink, appearing to read 'Kerry Lewis', is written over a horizontal line.

Kerry Lewis
Administrative Law Judge

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

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

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

SUMMARY TABLE

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

In the Matter of the Appeal of:
SANTA ROSA POLICE DEPARTMENT

Inspection No.
1472724

Citation Issuance Date: **09/18/2020**

CITATION	ITEM	SECTION	TYPE	CITATION/ITEM RESOLUTION	AFFIRMED	VERIFIED	PENALTY PROPOSED BY DOSH IN CITATION	FINAL PENALTY ASSESSED
1	1	342 (a)	R	Adjustment factors applied for late report. Penalty reduced.	A		\$5,000.00	\$3,000.00
2	1	5199 (c) (3)	S	DOSH changed to <u>NOTICE IN LIEU OF CITATION</u> . AVD includes second instance, previously AVD of Cit. 4.	A		\$6,750.00	\$0.00
3	1	5199 (c) (5)	S	Adjustment factors applied. Penalty reduced.	A		\$13,500.00	\$6,750.00
4	1	5199 (c) (6)	S	DOSH withdrew citation. AVD included as Instance 2 of Notice in Lieu (Orig. Cit. 2).		V	\$6,750.00	\$0.00
Sub-Total							\$32,000.00	\$9,750.00

Total Amount Due* **\$9,750.00**

**You may owe more than this amount if you did not appeal one or more citations or items containing penalties.*

Please call 415-703-4310 or email AccountingCALOSHA@dir.ca.gov if you have any questions.

PENALTY PAYMENT INFORMATION

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

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

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

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

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

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

Abbreviation Key:

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