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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **IN AND FOR THE COUNTY OF SAN MATEO**

18 **MARCIANA RODRIGUEZ ROQUE,**
19 individually, as heir to **JOSE ROMERO**
20 **PEREZ** and as successor in interest to the
21 **ESTATE OF JOSE ROMERO PEREZ;**
22 **MARIELA ROMERO ROQUE**
23 individually,

24 **Plaintiffs**

25 **vs.**

26 **CALIFORNIA TERRA GARDEN, INC.,**
27 a California Corporation; **XIANMIN**
28 **GUAN**, an individual, and **DOES 1** through
15, inclusive.

Defendants.

Electronically
FILED
by Superior Court of California, County of San Mateo
ON **4/3/2024**
By /s/ Hessen Ladcani
Deputy Clerk

CASE NO. **24-CIV-01977**

COMPLAINT FOR:

- 1) **NEGLIGENCE – WRONGFUL DEATH**
- 2) **SURVIVAL ACTION**

JURY TRIAL DEMANDED

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1 **I. INTRODUCTION**

2 1. CALIFORNIA TERRA GARDEN, INC. (“CTG”) is a farm in Half Moon Bay that
3 grows mushrooms in the dark. The darkness allows the fungus to thrive. It also conceals the
4 deplorable living conditions that DEFENDANT provided to farmworkers living and working on
5 the San Mateo County Coast. Those farmworkers included JOSE ROMERO PEREZ (“JOSE” or
6 “PLAINTIFF”) and his brother Pedro, who toiled long hours in the field to provide better lives for
7 their families. The brothers and other farmworkers’ homes had floors made of plywood, walls
8 covered in plastic, and makeshift wood-burning stoves for heating food.



18 https://twitter.com/Ray_Mueller_/status/1618694092506152960/photo/1

19 2. On January 23, 2023, Chunli Zhao committed the deadliest mass shooting in the
20 history of San Mateo County (the “SHOOTING”). The SHOOTING began just after 2:00 p.m. at
21 a mushroom farm located on Highway 92 in Half Moon Bay, California (the “FARM”).

22 3. Zhao killed four people, including JOSE. JOSE is survived by his wife
23 MARCIANA RODRIQUEZ ROQUE (“MARCIANA”) and his four children, MARIELA
24 ROMERO ROQUE (“MARIELA”) and her siblings LUIS ARTURO ROMERO ROQUE, JOSE
25 REGINALDO ROMERO ROQUE, and HAZAEL ROMERO ROQUE (collectively,
26 “PLAINTIFFS”).

27 4. The FARM and its premises were owned and controlled by Defendants CTG and
28 XIANMIN GUAN (“GUAN”), both of whom could have prevented this tragedy. As alleged

1 herein, Defendants failed to adequately secure their premises against reasonably foreseeable
2 criminal acts of third parties. Accordingly, this complaint seeks to hold them accountable for
3 JOSE's death.

4 **II. JURISDICTION AND VENUE**

5 5. This Court has subject matter jurisdiction over all causes of action alleged herein
6 because it is a court of general jurisdiction and the amount in controversy exceeds the
7 jurisdictional minimum of this Court.

8 6. This Court has personal jurisdiction over all parties to this action because each
9 party either resides in or has sufficient minimum contacts with the State of California such that
10 the exercise of personal jurisdiction comports with traditional notions of fair play and substantial
11 justice.

12 7. Venue is proper in the County of San Mateo because the events and conduct which
13 caused or combined to cause JOSE's injuries occurred in the County of San Mateo, State of
14 California and JOSE sustained his injuries in the County of San Mateo.

15 **III. PARTIES**

16 **A. Plaintiffs**

17 8. Plaintiff MARCIANA RODRIGUEZ ROQUE ("MARICIANA") was, at all
18 relevant times, a resident of Oaxaca, Mexico and wife of JOSE. On January 23, 2023,
19 MARCIANA's husband, JOSE was shot and killed by Chunli Zhao. MARCIANA brings this
20 action on her own behalf and as successor-in-interest to the ESTATE OF JOSE ROMERO
21 PEREZ.

22 9. Decent JOSE ROMERO PEREZ was, at all relevant times, a resident of Half
23 Moon Bay, California, husband to MARCIANA RODRIGUEZ ROQUE and father to their four
24 children. JOSE was killed on January 23, 2023 and died intestate. JOSE was not on duty when the
25 shooting took place. JOSE worked at the FARM with his brother PEDRO FELIX ROMERO
26 PEREZ. Living on the premises was not a condition of his employment, and he paid market-rate
27 rent. JOSE had a choice of where he resided; he opted to reside in the more convenient lodging
28 provided by his employer at the FARM because neither he nor his brother had a car. JOSE was

1 not subject to a binding employment contract. JOSE was not required to live at the FARM and the
2 lodging was not part of his compensation for services.

3 10. Plaintiff MARIELA ROMERO ROQUE (“MARIELA”) was, at all times relevant,
4 a resident of Oaxaca, Mexico and daughter of JOSE ROMERO PEREZ. On January 23, 2023,
5 MARIELA’s father, JOSE was shot and killed by Chunli Zhao. MARIELA brings this action on
6 her own behalf.

7 **B. Defendants**

8 11. Defendant CALIFORNIA TERRA GARDEN, INC. (“CTG” or “DEFENDANT”)
9 was, at all relevant times, a California corporation. At the time of the SHOOTING, CTG owned
10 and operated the FARM

11 12. Defendant XIANMIN GUAN (“GUAN”) was, at all relevant times, a resident of
12 the State of California. At the time of the SHOOTING, GUAN owned and operated CTG.

13 **C. Unnamed and Doe Defendants**

14 13. Defendants DOES 1 through 15 were, at all relevant times, persons and entities
15 that owned, leased, controlled and/or maintained the FARM on the date of the INCIDENT.

16 14. The true names and capacities, whether individual, corporate, associate or
17 otherwise of the Defendants DOES 1 through 15, inclusive, are unknown to PLAINTIFFS who
18 therefore sue said Defendants by such fictitious names pursuant to Code of Civil Procedure
19 section 474. PLAINTIFFS further allege that each fictitious Defendant is in some manner
20 responsible for the acts and occurrences set forth herein. PLAINTIFFS will amend this Complaint
21 to show their true names and capacities when the same are ascertained, as well as the manner in
22 which each fictitious Defendant is responsible.

23 **D. Agency, Concert of Action, and Conspiracy**

24 15. At all times herein mentioned, each of the Defendants, inclusive, were the agent,
25 servant, employee, partner, aider and abettor, co-conspirator and/or joint venturer of each of the
26 remaining defendants named herein and were at all times operating and acting within the purpose
27 and scope of said agency, service, employment, partnership, conspiracy, alter ego and/or joint
28 venture, and each defendant has ratified and approved the acts of each of the remaining

1 defendants. Each of the DEFENDANTS, including but not limited to DOES 1-15, aided and
2 abetted, encouraged, and/or rendered substantial assistance to the other defendants in breaching
3 their obligations to PLAINTIFFS as alleged herein. In taking action to aid and abet and
4 substantially assist the commission of these wrongful acts and other wrongdoings complained of,
5 as alleged herein, each of the Defendants acted with an awareness of his or her primary
6 wrongdoing and realized that his or her conduct would substantially assist the accomplishment of
7 the wrongful conduct, wrongful goals, and wrongdoing.

8 **IV. FACTUAL BASIS FOR CLAIMS**

9 16. PLAINTIFFS allege as follows based upon information and belief.

10 17. JOSE lived at the FARM, where he had worked since 2021. Defendant CTG
11 operated a mushroom farm on the property. JOSE and others were subjected to substandard and
12 dangerous living conditions in units converted from shipping containers and made from plywood
13 with pallets for stairs.

14 Pedro and Jose's Shared Home



28 https://twitter.com/Ray_Mueller_/status/1618694092506152960/photo/4

1 18. According to San Mateo County Supervisor Ray Mueller, who inspected the
2 FARM after the SHOOTING, "Horrible. Horrific. Deplorable conditions. We saw what basically
3 looked like sheds. Storage containers that people were living in. No insulation. No running water.
4 Nowhere where you would want to prepare food."¹



https://twitter.com/Ray_Mueller_/status/1618694092506152960/photo/2

19 **A. Prior Shooting at the Farm**

20 19. The FARM was not only unhealthy; it was also unsafe. On July 1, 2022—seven
21 months before the SHOOTING—Martin Medina tried breaking into one of the trailers at the
22 FARM while threatening to kill the occupant and his family.² Medina fired one shot from a
23 handgun into the trailer. Although nobody was hit, the bullet penetrated through the victim’s
24 trailer and the occupied trailer next door that was home to Yetao Bing, one of the workers killed
25 in the SHOOTING.

26 ¹ Luz Pena, “Deplorable” Living conditions at Half Moon Bay mushroom farm where multiple farmworkers were
27 killed, ABC7 News Jan. 27, 2023 (<https://abc7news.com/half-moon-bay-mass-shooting-farm-worker-living-conditions-ca-terra-garden-supervisor-ray-mueller/12741485/>).

28 ² August Howell, *Farm manager charged with attempted murder*, Half Moon Bay Review Jul. 12, 2022
(https://www.hmbreview.com/news/farm-manager-charged-with-attempted-murder/article_e8ad73be-0250-11ed-907b-d39a812bc4f5.html).

1 20. DEFENDANTS had the means and ability to protect JOSE and others from
2 Medina and other violent criminals that came onto the FARM, including Chunli Zhao.

3 21. DEFENDANTS failed to take even basic and reasonable steps to secure the
4 property and protect JOSE and the other victims of this tragedy.

5 **B. Chunli Zhao’s History of Violent Behavior**

6 22. Taking safety measures was paramount, particularly because Chunli Zhao had a
7 documented history of violence. In 2013, a Santa Clara County court issued a temporary
8 restraining order against Zhao, who threatened to kill his roommate and attempted to carry out the
9 threat by covering the victim’s face with a pillow and trying to suffocate him.³ Zhao was subdued
10 by the roommate and others, but he was not finished. Two days later, Zhao threatened that same
11 victim by saying that “he [Zhao] can use a knife to cut my head if he can’t come back to work.”⁴

12 23. After the Santa Clara County restraining order expired, Zhao lawfully purchased a
13 Glock 17 semi-automatic handgun. Zhao told investigators that he slept with the loaded Glock
14 under his pillow for two years.⁵ Zhao also told investigators that he purchased the firearm in
15 response to being bullied.

16 **C. The January 23, 2023 Shooting**

17 24. On the day of the SHOOTING, one of those bullies accused Zhao of being
18 responsible for damage to a forklift after a minor collision between the forklift and a bulldozer.
19 The bully told Zhao that Zhao would have to pay \$100 for repairs even though Zhao believed that
20 the bully had hit the forklift on purpose. In response to this and other perceived bullying and
21 personal grievances, Zhao turned violent.

22 25. First, Zhao killed the bully in front of a supervisor; then he killed the supervisor.
23 Zhao then proceeded to the worker encampment at the FARM to seek vengeance upon other
24 people against whom he held longstanding personal grudges. Zhao faced no obstacles or
25 deterrents on route to the encampment.

26 _____
27 ³ Holly Yan, et al., *The Half Moon Bay massacre was an apparent workplace violence case. The suspect had been*
accused of violence against a coworker in 2013, court records show, cnn.com Jan. 24, 2023
(<https://www.cnn.com/2023/01/24/us/half-moon-bay-california-shootings-tuesday/index.html>).

28 ⁴ *Ibid.*

⁵ Jaxon Van Derbeken, *Half Moon Bay Mass Shooting Erupted Over \$100 Bill: Sources*, NBC Bay Area Jan. 26,
2023 (<https://www.nbcbayarea.com/investigations/half-moon-bay-shooting-investigation/3140917/>).

1 26. After arriving at the worker encampment, Zhao entered the trailer JOSE shared
2 with his brother, PEDRO ROMERO PEREZ (“PEDRO”). JOSE was asleep and defenseless.

3 27. Zhao shot and killed JOSE with PEDRO only feet away. Then, Zhao turned the
4 gun on PEDRO and shot him five times. Miraculously, PEDRO survived.



15 <https://www.nbcbayarea.com/news/local/peninsula/jose-pedro-perez-half-moon-bay-shooting/3139748/>

16
17 28. After killing JOSE and injuring PEDRO, Zhao took the life of another person at
18 the FARM. After shooting five individuals at the FARM and leaving PEDRO for dead, Zhao
19 drove two miles to Concord Farms where, again, he killed three other people against whom he
20 held longstanding personal grudges. San Mateo County Sheriff’s Deputies arrested him without
21 incident later that day.

22 29. JOSE’s death was a tragedy. MARCIANA lost her husband and the father of her
23 four children: MARIELA, LUIS, JOSE, and HAZAEL ROMERO ROQUE.⁶

24 **D. CTG Cited for Lack of Safety at the Farm**

25 30. Following the SHOOTING, DEFENDANT CTG was investigating by the
26 California Department of Industrial Relations, Division of Occupational Health and Safety (“Cal.

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⁶ As of the filing of this Complaint, Plaintiff Mariela Romero Roque is of the age of majority. Her siblings Luis, Jose, and Hazael are minors. Plaintiffs will amend this Complaint to add the minor siblings as Plaintiffs once a suitable guardian-ad-litem has been appointed by this Court.

1 OSHA”). Cal. OSHA investigators cited Defendants for 22 violations that occurred prior to and
2 during its five-month investigation, which began in January 2023. (See **Exhibit A.**) Six of those
3 violations were deemed serious, including the following.

4 31. DEFENDANT CTG was cited for failing to effectively establish, implement, and
5 maintain procedures for identifying and evaluating the hazards posed by an active shooter,
6 hazards posed by employees making threats or committing acts of physical violence, and hazards
7 related to near-miss incidents involving an act or threat of violence at the FARM; for failing to
8 effectively identify and evaluate the hazards posed by employees making threats or committing
9 acts of physical violence at the FARM; and for failing to implement and maintain procedures for
10 evaluating near misses and incidents, including any incident involving an act or threat of violence
11 at the FARM.⁷

12 32. Defendant CTG was cited for failing to establish and implement effective methods
13 or procedures to correct against the hazards posed by an active shooter at the FARM; for failing to
14 establish or implement effective methods or procedures to effectively correct against the hazards
15 of employees committing threats or acts of physical violence at the FARM; for failing to
16 implement means and methods for employees to notify employer of acts or threats of violence in
17 a safe and confidential manner; for failing to maintain its surveillance cameras or establish
18 procedures for the review of surveillance cameras; for failing to implement procedures to
19 effectively enforce a no weapons policy at the FARM; for failing to effectively implement its
20 procedures for “Monitoring Company Property” as described in its Injury and Illness Prevention
21 Plan; for failing to establish and implement a policy to effectively identify or screen applicants for
22 prior disciplinary action related to workplace violence; for failing to ensure that visitors and
23 vendors completed the Guest and Visitor Request form; for failing to conduct safety meetings; for
24 failing to ensure that employees were aware of all notes and plans of corrective action; and for
25 failing to audit recordkeeping procedures.⁸

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28 ⁷ *Id.* at pp. 27–28 of 39.

⁸ *Id.* at pp. 30–32 of 39.

1 33. DEFENDANT CTG was cited for failing to establish, implement, and maintain
2 effective training for its employees related to active shooter training following July 1, 2022
3 shooting at the FARM.⁹

4 34. DEFENDANT CTG was cited for failing to ensure that all near misses and
5 incidents, including an incident involving an act or threat of violence at the employer's premises,
6 were reported to management.¹⁰

7 35. As a direct and legal result of the negligent, wrongful, reckless, and/or unlawful
8 conduct of DEFENDANTS, and/or each of them, JOSE and PLAINTIFFS suffered the damages
9 hereafter alleged.

10 **V. CAUSES OF ACTION**

11 **FIRST CAUSE OF ACTION**
12 **NEGLIGENCE – WRONGFUL DEATH**
13 **(Against All Defendants)**

14 36. PLAINTIFFS hereby re-allege and incorporate by reference each and every
15 allegation set forth above, as if fully set forth in detail herein.

16 37. PLAINTIFFS are informed and believe, and thereon allege, that at the time of the
17 SHOOTING, DEFENDANTS, and/or each of them, controlled the property involved in
18 PLAINTIFFS' harms in that they owned, leased, used it as if it were their own, and maintained
19 the FARM.

20 38. PLAINTIFFS are informed and believe, and thereon allege, that leading up to the
21 SHOOTING, DEFENDANTS failed to use reasonable care to protect JOSE, and by extension
22 PLAINTIFFS, from the events that led to the SHOOTING.

23 39. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANTS
24 had reason to anticipate the general character of the SHOOTING.

25 40. PLAINTIFFS are informed and believes, and thereon alleges, that DEFENDANTS
26 failed to take steps to protect persons, including JOSE, and by extension PLAINTIFFS, that were
27 adequate and reasonable under the circumstances.

28 ⁹ *Id.* at pp. 33–34 of 39.

¹⁰ *Id.* at p. 29 of 39.

1 41. As a direct and legal result of wrongful acts and/or omissions of DEFENDANTS,
2 and/or each of them, JOSE was injured in his health, strength, and activity, and he sustained
3 injuries to his body and mind, all of which have caused him great physical, mental, emotional,
4 and nervous pain and suffering in a sum according to proof.

5 42. As a further direct and legal result of wrongful acts and/or omissions of
6 DEFENDANTS, and/or each of them, JOSE was killed.

7 43. As a further direct and legal result of the aforementioned acts and omissions of the
8 DEFENDANTS, PLAINTIFFS suffered, and continues to suffer, the loss of JOSE's love,
9 companionship, comfort, care, assistance, protection, affection, society, and moral support, in amount
10 according to proof at trial.

11 44. As a further direct and legal result of the aforementioned acts and omissions of the
12 DEFENDANTS, PLAINTIFFS suffered, and continues to suffer economic losses, including but not
13 limited to the reasonable value of household services and the reasonably anticipated future economic
14 support that JOSE would have provided.

15 45. As a further direct and legal result of the wrongful conduct and/or omissions of
16 DEFENDANTS, and/or each of them, JOSE experienced conscious pain and suffering before his
17 death.

18 46. As a further direct and legal result of the wrongful conduct and/or omissions of
19 DEFENDANTS, and/or each of them, PLAINTIFFS were required to, and continue to, employ
20 health care providers to examine, treat, and care for his injuries, and PLAINTIFFS have incurred,
21 and will continue to incur, medical and incidental expenses for such examinations, treatment,
22 rehabilitation, and/or care in an amount according to proof at trial.

23 47. As a further direct and legal result of the wrongful conduct and/or omissions of
24 DEFENDANTS, and/or each of them, PLAINTIFFS have incurred funeral and burial expenses, in
25 amount according to proof at trial.

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SECOND CAUSE OF ACTION
SURVIVAL ACTION
(Against All Defendants)

48. PLAINTIFFS hereby re-allege and incorporate by reference each allegation above as though fully set forth herein and alleges as follows upon information and belief.

49. As a direct and proximate result of the wrongful negligent, reckless, unlawful, and/or wrongful acts and omissions of DEFENDANTS, JOSE was killed on January 23, 2023.

50. On January 23, 2023, and prior to his death, JOSE suffered damages including but not limited to costs for medical care, lost and/or damages property, and pre-death pain and suffering from physical injuries resulting from the discharge of a firearm.

51. Had he survived, JOSE would have been entitled to bring an action against DEFENDANTS, and/or each of them, to recover the aforementioned damages he sustained prior to his death.

52. PLAINTIFF MARCIANA RODRIGUEZ ROQUE, as successor-in-interest to the ESTATE OF JOSE ROMERO PEREZ, brings this Survival Claim to recover JOSE's pre-death damages in JOSE's stead.

VI. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS pray that this Court enter judgment in their favor on every claim for relief set forth above as follows:

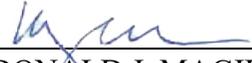
1. For general damages and compensatory damages in an amount according to proof at trial and beyond the jurisdictional minimum of this Court.
2. For economic losses according to proof at trial.
3. For past and future loss of Jose Romero Perez's love, companionship, comfort, care, assistance, protection, affection, society, and moral support according to proof at trial.
4. For medical and related expenses according to proof at trial.
5. For property damages according to proof at trial.
6. For interest upon any judgment entered as provided by law.
7. For costs of suit incurred herein.

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8. Such further and additional relief as this Court deems proper.

Dated: April 3, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: 
DONALD J. MAGILLIGAN
Attorney for Plaintiffs

VII. JURY DEMAND

PLAINTIFFS demand a trial by jury as to all claims in this action.

Dated: April 3, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: 
DONALD J. MAGILLIGAN
Attorney for Plaintiffs

EXHIBIT A



CITATION AND NOTIFICATION OF PENALTY

To:
California Terra Garden, Inc.
and its successors
6055 E. Washington Blvd, #210
Commerce, CA 90040

Inspection #: 1646557
Inspection Date (s): 01/26/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23
Reporting ID: 0950613

Inspection Site:
12761 San Mateo Rd
Half Moon Bay, CA 94019

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 Sections 6317 and 6320 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, or online, 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(s), classification of the violation(s), abatement date or proposed penalty.

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 (Cal/OSHA or the Division) and employs experienced 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, or online via the Board's OASIS system, 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, or online via the Board's OASIS system, 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 to print online at: <https://www.dir.ca.gov/oshab/appealform.pdf>. You may also file the appeal through the Board's online OASIS system at: <https://www.dir.ca.gov/oshab/>. Hard copies can also be picked up 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. The appeal form also asks you to identify the grounds for your appeal. 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 Cal/OSHA or 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.

PENALTY PAYMENT OPTIONS

For general/regulatory violations, and for serious violations that have been abated, 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 described above that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

For serious violations that are not abated, if a signed statement of abatement (as described under "Notification of Corrective Action", below) is not timely received or if the statement does not demonstrate acceptable abatement, penalties will be due within 15 working days after the date the signed statement was due, unless contested.

For serious violations for which a signed statement of abatement demonstrating acceptable abatement is timely received, the payment due date will be described in a Modified Citation and Notification of Penalty that you will receive reflecting a 50% abatement credit.

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
Cal/OSHA Penalties
P. O. Box 516547
Los Angeles, CA 90051-0595

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 general/regulatory 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 that have been abated, if any, has already been reduced by 50% because abatement of those violations has been completed.

The adjusted penalty for serious violations that have not been abated will be reduced by 50% if the

Division of Occupational Safety and Health receives from you within 10 working days following the abatement date a signed statement under penalty of perjury (Cal/OSHA form 161) and sufficient supporting evidence, when necessary to prove abatement, demonstrating abatement acceptable to the Division. If the Division does not receive the statement of abatement within 10 working days after the abatement date, the adjusted penalty will not be reduced by 50% - regardless of whether you appeal the serious citations.

Note: Return the Cal/OSHA 160/161 forms to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Telephone: (650) 573-3812
Fax: (650) 573-3817

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.

State of California

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Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §14300.29(a). 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.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to ensure that all recordable injuries were recorded on its log 300.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$400.00

State of California

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Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3203(b)(1). Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:

(1) Records of scheduled and periodic inspections required by subsection (a)(4) to identify unsafe conditions and work practices, including person(s) conducting the inspection, the unsafe conditions and work practices that have been identified and action taken to correct the identified unsafe conditions and work practices. These records shall be maintained for at least one (1) year.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to the employer failed to maintain and provide records of periodic inspections to identify unsafe conditions and work practices as described in the employer's Injury and Illness Prevention plan.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$400.00

State of California

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Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
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Inspection #: 1646557
Inspection Dates: 01/26/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3203(b)(2). Injury and Illness Prevention Program. Training Records.

(b) Records of the steps taken to implement and maintain the Program shall include:

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to maintain and provide records of training as described in the employer's Injury and Illness Prevention plan in the following instances:

1. The safe lifting techniques training records.
2. The employer's bloodborne pathogen training records.
3. The employer's workplace violence training records prior to 1/23/23.
4. The employer's training records for its active shooter training prior to 1/23/23.
5. The employer's hazard communication training records.
6. The employer's safety training on farm machinery and other heavy equipment records.
7. The employer failed to provide forklift training records.
8. Fire extinguisher training records.
9. First aid training records.

10. The employer failed to maintain training records for three years as described in its plan.

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$400.00 |

State of California

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Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
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Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3350. Labor Camp Permits.

Every employer operating a labor camp under the provisions of the California Employee Housing Act shall obtain a valid permit issued by the Department of Housing and Community Development or by a local governmental agency authorized to issue such permits by the Department. The employer shall either post or have available a valid and current permit.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer who houses workers onsite, failed to obtain a valid labor camp permit issued by the Department of Housing and Community Development or by a local governmental agency authorized to issue such permits by the Department.

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|--|------------------------------------|
| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$400.00 |

State of California

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Foster City District Office
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Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 5 Type of Violation: **General**

Title 8 CCR Section §3205(c)(5)(B). COVID-19 Prevention.

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Prevention Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:

(B) Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick and vaccination leave, if applicable, workers' compensation law, local governmental requirements, the employer's own leave policies, leave guaranteed by contract, and this section.

Prior to and during the course of the inspection including, but not limited to January 26, 2023, the employer failed to train staff on COVID-19 related benefits.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$1200.00

State of California

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Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 6 Type of Violation: **General**

Title 8 CCR Section §3225(a)(1). Maintenance and Access to Exits.

(a) Exits shall be so located and arranged that they are readily accessible at all times. Where exits are not immediately accessible from an open floor area, safe and continuous passageways, aisles, or corridors leading directly to every exit and so arranged as to provide convenient access for each occupant to at least two exits by separate ways of travel shall be maintained, except as a single exit or limited dead ends are permitted by other provisions of these regulations.

(1) Every required exit shall be maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to ensure that emergency exits were readily accessible at all times in the office.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$1200.00

State of California

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Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
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Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 7 Type of Violation: **General**

Title 8 CCR Section §3272(e). Aisles, Walkways, and Crawlways.

(e) Where industrial vehicles are in customary use, traffic aisles designed for the passage of a single vehicle shall be at least 2 feet wider than the widest vehicle. Two-way traffic aisles shall be at least 3 feet wider than twice the width of the widest vehicle. The Division will permit the use of suitable turnouts adjacent to one-way traffic aisles for two-way traffic when the use of such turnouts will provide equivalent safety.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to ensure that several two way traffic aisles were at least 3 feet wider than twice the width of the widest vehicle.

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$1200.00 |

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
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Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 8 Type of Violation: **General**

Title 8 CCR Section §3395(h)(1). Heat Illness Prevention.

(h) Training.

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

(A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

(B) The employer's procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.

(D) The concept, importance, and methods of acclimatization pursuant to the employer's procedures under subsection (i)(4).

(E) The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness, and in addition, that heat illness may progress quickly from mild symptoms and signs to serious and life threatening illness.

(F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers.

(G) The employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to ensure that all staff received training on heat illness prevention as required by this section.

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| Date By Which Violation Must be Abated: | August 10, 2023 |
| Proposed Penalty: | \$1200.00 |

State of California

Department of Industrial Relations
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Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3400(b). Medical Services and First Aid.

(b) In the absence of an infirmary, clinic, or hospital, in near proximity to the workplace, which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Training shall be equal to that of the American Red Cross or the Mine Safety and Health Administration.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to ensure that a person or persons were adequately trained to render first aid.

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| Date By Which Violation Must be Abated: | August 10, 2023 |
| Proposed Penalty: | \$1500.00 |

State of California

Department of Industrial Relations
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Foster City District Office
1065 East Hillsdale Blvd, Suite 110
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Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 10 Type of Violation: **General**

Title 8 CCR Section §3457(c)(3)(G)5. Field Sanitation. Requirements.

(3) Maintenance standards: Potable drinking water facilities, toilet facilities, and handwashing facilities, which are under the control of the employer, shall be serviced and maintained by the employer at all times in accordance with appropriate public health sanitation practices, including the following:

(G) Handwashing facilities shall at all times meet the following standards:

5. Handwashing facilities shall be provided at the toilet unit or in the immediate vicinity.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to ensure that handwashing facilities were provided at the toilet unit or in the immediate vicinity.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$1500.00

State of California

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Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 11 Type of Violation: **General**

Title 8 CCR Section §3668(a)(1). Powered Industrial Truck Operator Training.

(a) Safe Operation.

(1) The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this section.

Prior to and during the course of the inspection, including but not limited to February 6, 2023, the employer failed to ensure that every operator was trained and certified to operate a powered industrial truck.

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| Date By Which Violation Must be Abated: | August 10, 2023 |
| Proposed Penalty: | \$600.00 |

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
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1065 East Hillsdale Blvd, Suite 110
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Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 12 Type of Violation: **General**

Title 8 CCR Section §5162(c). Emergency Eyewash and Shower Equipment.

(c) Location. Emergency eyewash facilities and deluge showers shall be in accessible locations that require no more than 10 seconds for the injured person to reach. If both an eyewash and shower are needed, they shall be located so that both can be used at the same time by one person. The area of the eyewash and shower equipment shall be maintained free of items which obstruct their use.

Prior to and during the course of the inspection, including but not limited to February 6, 2023, the employer failed to ensure that the emergency eyewash facilities and deluge showers were within 10 seconds of the injured persons reach.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$750.00

State of California

Department of Industrial Relations
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Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 13 Type of Violation: **General**

Title 8 CCR Section §5194(e)(1). Hazard Communication.

(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and

(B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

(2) In multi-employer workplaces, the written hazard communication program shall include the methods employers will use to inform any employers sharing the same work area of the hazardous chemicals to which their employees may be exposed while performing their work, and any suggestions for appropriate protective measures, including the following:

(A) The methods the employer will use to provide the other employer(s) with access to the safety data sheet, or to make it available at a central location in the workplace, for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(B) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and,

(C) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

(3) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, the Chief, and NIOSH, in accordance with the requirements of section 3204(e).

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to develop, implement, and maintain at the workplace a written hazard communication program where employees are handling or exposed to hazardous materials.

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| Date By Which Violation Must be Abated: | August 10, 2023 |
| Proposed Penalty: | \$900.00 |

State of California

Department of Industrial Relations
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Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

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Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 14 Type of Violation: **General**

Title 8 CCR Section §6151(c)(1). Portable Fire Extinguishers.

(c) General Requirements.

(1) The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to mount the fire extinguisher located in the office.

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| Date By Which Violation Must be Abated: | August 10, 2023 |
| Proposed Penalty: | \$900.00 |

State of California

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CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 15 Type of Violation: **General**

Title 8 CCR Section §6151(e)(2). Portable Fire Extinguishers.

(e) Inspection, Maintenance and Testing.

(1) The employer shall be responsible for the inspection, maintenance and testing of all portable fire extinguishers in the workplace.

(2) Portable extinguishers or hose used in lieu thereof under Subsection (d)(3) of this Section shall be visually inspected monthly.

(3) Portable fire extinguishers shall be subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Chief upon request.

Prior to and during the course of the inspection including, but not limited to January 26, 2023 the employer failed to inspect and maintain portable fire extinguishers in the following instances:

1. The employer failed to visually inspect portable fire extinguishers monthly.
2. The employer failed to maintain records of fire extinguisher inspections.
3. The employer failed to make records of the annual maintenance available upon request.

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| Date By Which Violation Must be Abated: | August 10, 2023 |
| Proposed Penalty: | \$750.00 |

State of California

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Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 1 Item 16 Type of Violation: **General**

Title 8 CCR Section §3203(a)(8). 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:

(8) Allow employee access to the Program.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to implement and maintain an effective injury and illness prevention program in that it did not communicate the right and procedure to access the Program to all employees.

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| Date By Which Violation Must be Abated: | August 10, 2023 |
| Proposed Penalty: | \$1500.00 |

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3203(a)(3). Illness and Injury 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:

(3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to establish, implement and maintain an effective system for communicating with employees on matters related to safety and health including but not limited to the following:

1. The employer failed to effectively implement the procedures in its own plan for encouraging employees to inform the employer regarding concerns and issues regarding safety and health without fear of reprisal;
2. The employer failed to ensure the presence of supervisors who are able to communicate with each other and with staff in languages understandable by all affected employees;
3. The employer failed to communicate to staff that they were expected to assist during safety inspections as described in the employer's plan;
4. The employer failed to communicate the results of inspections to employees as described in its

plan.

5. The employer failed to communicate to employees the identity of the security personnel whom they should report concerns to as required by employer's plan.

6. The employer failed to identify members of the safety committee in its plan or to employees.

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| Date By Which Violation Must be Abated: | July 10, 2023 |
| Proposed Penalty: | \$18000.00 |

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3203(a)(4). Injury and Illness Prevention. Hazard Identification and Evaluation.

(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 work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:

(A) When the Program is first established;

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to effectively establish, implement and maintain procedures for identifying and evaluating workplace hazards including but not limited to in the following instances:

1. The employer failed to effectively identify and evaluate the hazards posed by an active shooter on employer's premises located at 12761 San Mateo Rd, Half Moon Bay, CA 94019.
2. The employer failed to effectively identify and evaluate the hazards posed by employees making threats or committing acts of physical violence on employer's premises located at 12761 San Mateo Rd, Half Moon Bay, CA 94019.
3. The employer failed to implement and maintain its procedures for evaluating near misses and incidents, including any incident involving an act or threat of violence at the employer's premises located at 12761 San Mateo Rd, Half Moon Bay, CA 94019.

4. The employer failed to conduct or review job hazard analyses (JHAs) as described in its plan.
5. The employer failed to conduct safety committee inspections and management inspections in accordance with the procedures in its plan.
6. The employer failed to effectively identify and evaluate hazards that employees were exposed to while operating heavy equipment.
7. The employer failed to effectively identify and evaluate repetitive motion injuries and safe lifting work practices as described in its plan.
8. The employer failed to effectively implement its inspection procedures related to backpacks, purses, packages, and employee lockers as described in employer's procedures.
9. The employer failed to document information on the hazard assessment and correction forms described in the employer's plan.

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| Date By Which Violation Must be Abated: | July 10, 2023 |
| Proposed Penalty: | \$21,600.00 |

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3203(a)(5). 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:

(5) Include a procedure to investigate occupational injury or occupational illness.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to effectively implement its procedures for investigating occupational injuries and illnesses including the following instances:

1. The employer failed to investigate a back injury incurred by an employee while riding a bicycle.
2. The employer failed to investigate a heat illness suffered by an employee while working in a mushroom grow tent.
3. The employer failed to record incident investigations on the safety action plan as described in its plan.
4. The employer failed to ensure that all near misses and incidents, including any incident involving an act or threat of violence at the employer's premises, were reported to management and investigated as described in its plan.

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| Date By Which Violation Must be Abated: | July 10, 2023 |
| Proposed Penalty: | \$9000.00 |

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

Citation 5 Item 1 Type of Violation: **Serious Accident Related**

Title 8 CCR Section §3203(a)(6). Injury and Illness Prevention Program. Hazard Correction Procedures.

(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:

(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:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

Prior to and during the course of the inspection, including but not limited to January 26, 2023, the employer failed to effectively establish, implement and maintain methods or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures, including but not limited to when an imminent hazard exists which cannot be immediately abated without endangering employee(s), in the following instances:

1. The employer failed to establish and implement effective methods or procedures to correct against the hazards posed by an active shooter on employer’s premises, located at 12761 San Mateo Rd, Half Moon Bay, CA 94019, including but not limited to:

a. Procedures to immediately notify all employees of the nature and location of active threat and instruct employees to avoid the location and seek shelter. As a result, on January 23, 2023, employees were seriously injured. **[ACCIDENT-RELATED]**

- b. Evacuation procedures to remove all exposed personnel;
 - c. Procedures to seek physical protection if unable to evacuate;
 - d. Procedures to evaluate and respond to employees affected by the active shooting incident, including making trauma counseling available to all affected employees.
2. The employer failed to establish or implement effective methods or procedures to effectively correct against the hazards of employees committing threats or acts of physical violence on employer's premises, located at 12761 San Mateo Rd, Half Moon Bay, CA 94019, including but not limited to:
- a. Incident response procedures for management and non-management employees, including an effective communication system for all employees to summon help when an employee is committing threats or acts of physical violence;
 - b. Effective implementation of disciplinary procedures;
 - c. Reporting to law enforcement.
3. The employer failed to implement means and methods for employees to notify employer of acts or threats of violence in a safe and confidential manner.
4. The employer failed to maintain its surveillance cameras or establish procedures for the review of surveillance cameras.
5. The employer failed to implement procedures to effectively enforce its no weapons policy on employer's premises located at 12761 San Mateo Rd, Half Moon Bay, CA 94019.
6. The employer failed to effectively implement its procedures for "Monitoring Company Property" as described in its plan.
7. The employer failed to establish and implement a policy to effectively identify or screen applicants for prior disciplinary action related to workplace violence.
8. The employer failed to ensure that visitors and vendors completed the Guest and Visitor Request form as described in its plan.
9. The employer failed to conduct safety meetings in accordance with its IIPP.
10. The employer failed to ensure that employees are aware of all notes and plans of corrective action as described in its plan.
11. The employer failed to audit recordkeeping procedures as described in its plan.
12. The employer failed to effectively correct against the hazards of repetitive motion injuries and unsafe lifting work practices related to lifting and moving baskets loaded with mushrooms.

Date By Which Violation Must be Abated:

July 10, 2023

Proposed Penalty:

\$21600.00

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3203(a)(7). Injury and Illness Prevention Program. Training.

(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:

(7) Provide training and instruction:

- (A) When the program is first established;**
- (B) To all new employees;**
- (C) To all employees given new job assignments for which training has not previously been received;**
- (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;**
- (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,**
- (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.**

Prior to and during the course of the inspection including, but not limited to January 26, 2023, the employer failed to establish, implement and maintain effective training for its employees in the following instances:

1. The employer failed to conduct training in languages understood by all employees as described in its plan.
2. The employer failed to train employees on the safe operation of farm machinery including, but not limited to the Caterpillar, Excavators, Tractors, and Forklifts.
3. The employer failed to provide workplace violence training to employees.
4. The employer failed to provide active shooter training to employees following an active shooting

incident on July 1, 2022.

5. The employer failed to maintain training records for three years as described in its plan.

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| Date By Which Violation Must be Abated: | July 10, 2023 |
| Proposed Penalty: | \$21600.00 |

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1646557
Inspection Dates: 01/26/2023 - 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 005-23



Citation and Notification of Penalty

Company Name: California Terra Garden, Inc.
Establishment DBA:

and its successors

Inspection Site: 12761 San Mateo Rd
Half Moon Bay, CA 94019

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

Title 8 CCR Section §3395(f)(2). Heat Illness Prevention in Outdoor Places of Employment.

(f) Emergency Response Procedures. The Employer shall implement effective emergency response procedures including:

(2) Responding to signs and symptoms of possible heat illness, including but not limited to first aid measures and how emergency medical services will be provided.

(A) If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in any employee, the supervisor shall take immediate action commensurate with the severity of the illness.

(C) An employee exhibiting signs or symptoms of heat illness shall be monitored and shall not be left alone or sent home without being offered onsite first aid and/or being provided with emergency medical services in accordance with the employer's procedures.

Prior to and during the course of the inspection including, but not limited to January 26, 2023, the employer failed to ensure that a supervisor took immediate action commensurate with the severity of the illness upon observation and/or the employee reporting symptoms of heat illness.

Date By Which Violation Must be Abated: July 10, 2023
Proposed Penalty: \$7200.00



Barbara Kim
District Manager

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
 1065 East Hillsdale Blvd, Suite 110
 Foster City, CA 94404
 Phone: (650) 573-3812 Fax: (650) 573-3817



NOTICE OF PROPOSED PENALTIES

Company Name: California Terra Garden, Inc.
Establishment DBA: and its successors
Inspection Site: 12761 San Mateo Rd, Half Moon Bay, CA 94019
Mailing Address: 6055 E. Washington Blvd, #210, Commerce, CA 90040
Issuance Date: 06/23/2023
Reporting ID: 0950613
CSHO ID: W6628

Summary of Penalties for Inspection Number 1646557

| | |
|---|------------|
| Citation 1 Item 1, Regulatory | \$400.00 |
| Citation 1 Item 2, Regulatory | \$400.00 |
| Citation 1 Item 3, Regulatory | \$400.00 |
| Citation 1 Item 4, Regulatory | \$400.00 |
| Citation 1 Item 5, General | \$1200.00 |
| Citation 1 Item 6, General | \$1200.00 |
| Citation 1 Item 7, General | \$1200.00 |
| Citation 1 Item 8, General | \$1200.00 |
| Citation 1 Item 9, General | \$1500.00 |
| Citation 1 Item 10, General | \$1500.00 |
| Citation 1 Item 11, General | \$600.00 |
| Citation 1 Item 12, General | \$750.00 |
| Citation 1 Item 13, General | \$900.00 |
| Citation 1 Item 14, General | \$900.00 |
| Citation 1 Item 15, General | \$750.00 |
| Citation 1 Item 16, General | \$1500.00 |
| Citation 2 Item 1, Serious | \$18000.00 |
| Citation 3 Item 1, Serious | \$21600.00 |
| Citation 4 Item 1, Serious | \$9000.00 |
| Citation 5 Item 1, Serious Accident Related | \$21600.00 |
| Citation 6 Item 1, Serious | \$21600.00 |
| Citation 7 Item 1, Serious | \$7200.00 |

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|----------------------------------|--------------------|
| TOTAL PROPOSED PENALTIES: | \$113800.00 |
|----------------------------------|--------------------|

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
CAL/OSHA PENALTIES
P. O. BOX 516547
LOS ANGELES, CA 90051-0595**

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
Phone (415) 703-4310 or (415) 703-4308**

PENALTY REMITTANCE FORM

| | | |
|---------------------------|---|------------------------------|
| CIVIL PENALTY INFO | INSPECTION NO.: 1646557 | REPORTING ID: 0950613 |
| COMPANY NAME: | California Terra Garden, Inc. | FEIN/SEIN: UNKNOWN |
| ESTABLISHMENT DBA: | | |
| CONTACT PERSON: | Jan Chan | |
| PHONE NO.: | (650) 787-3083 | FAX NO.: UNKNOWN |
| SITE ADDRESS: | 12761 San Mateo Rd, Half Moon Bay, CA 94019 | |
| MAILING ADDRESS: | 6055 E. Washington Blvd, #210, Commerce, CA 90040 | |

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:

For check or money order: please make check or money order payable to Department of Industrial Relations. Write the inspection number and total amount enclosed on the payment coupon below and on the check or money order.
For credit card or EFT payment, go to: www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html

----- Detach here and return bottom portion with check or money order payment -----

PAYMENT COUPON



Inspection No.: 1646557

Amount Enclosed: \$ _____

Mail payment to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CAL/OSHA PENALTIES
P.O. BOX 516547
LOS ANGELES, CA 90051-0595

For credit card or EFT payment, go to:
www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html