

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: 954-424-0242 Fax: 954-424-3073



Citation and Notification of Penalty

To:
MACY'S INC., dba Macy's Florida Stores, LLC
and its successors
7 West Seventh Street
Cincinnati, OH 45202

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016

Inspection Site:
19535 Biscayne Boulevard
Aventura, FL 33180

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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the [pay.gov](http://www.pay.gov) homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/14/2016. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1118111

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180
Issuance Date: 07/14/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition.

- a) On or about 01/15/2016, at the above addressed location, areas throughout the receiving dock were not kept clean and cluttered with boxes and had garbage on the floor by the water cooler.
- b) On or about 01/15/2016, at the above addressed location, aisles and areas throughout the women's shoe storage were cluttered with boxes, not kept clean and in a sanitary condition.
- c) On or about 01/15/2016, at the above addressed location, the corridor area near and inside the compactor room was cluttered with boxes, furniture, fixtures, and not kept clean and in a sanitary condition.
- d) On or about 03/28/2016, at the above addressed location, areas throughout the receiving dock were not kept clean and in a sanitary condition.
- e) On or about 03/28/2016, at the above addressed location, areas throughout the women's shoe stock storage room were cluttered with boxes and there was garbage on the floor at the water cooler.
- f) On or about 03/28/2016, at the above addressed location, areas near and inside the compactor room were cluttered with boxes and there was garbage strewn around the floor.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$6600.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

- a) On or about 01/15/2016, at the above addressed location, The gate door leading to the exit on the loading dock was locked with a padlock.
- b) On or about 03/28/2016, at the above addressed location, The gate door leading from the receiving area to the showroom exit was locked with a padlock.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6600.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

- a) On or about 01/15/ 2016, at the above addressed worksite, employees working in the receiving area were exposed to hazards caused by boxes, bins, fixtures and metal racks full of clothes that blocked exit the routes.
- b) On or about 01/15/2016, at the above addressed worksite, employees were exposed to hazards from boxes, ladders and furniture blocking the exit aisles in the compactor room and corridor.
- c) On or about 01/15/2016, at the above addressed worksite, employees were exposed to hazards from boxes and ladders that blocked exit aisles in the women's shoe storeroom.
- d) On or about 06/14/2016, at the above addressed worksite, employees were exposed to hazards from large metal racks with merchandise, boxes and a ladder that blocked 2 exits from the women's shoe storage room.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/20/2016
\$6600.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

29 CFR 1910.305(b)(1)(i): Conductors entering cutout boxes, cabinets, or fittings were not protected from abrasions:

- a) On or about 03/28/2016, at the above addressed worksite, employees were exposed to electrical shock hazards from conductors entering boxes in the receiving area that were not protected against abrasions from broken armored cable.
- b) On or about 03/28/2016, at the above addressed worksite, employees were exposed to electrical shock hazards from two connection boxes that were partially closed and the wiring was exposed.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$6600.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) were not visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket):

- a) On or about 03/24/2016, at the above addressed worksite, employees were exposed to electrical shock from an electrical plug used for a floor standing fan that was missing a ground pin.
- b) On or about 06/14/2016, at the above addressed worksite, employees were exposed to a shock hazard from a fan that was missing a ground pin.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$4400.00

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

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

29 CFR 1910.303(g)(1)(ii): The required working space about electric equipment rated 600 volts, nominal, or less to ground, was used for storage:

- a) On or about 01/15/2016, at the above addressed location, there were boxes in the compactor room that were blocking the 480 volt electrical disconnect switch preventing access to the disconnect switch for the compactor.
- b) On or about 01/15/2016, at the above addressed location, there were metal racks and a large rectangular box that were stored in front of an electrical disconnect switch at bay door number 1 near the exit to the loading dock preventing access to the disconnect switch for the door.
- c) On or about 03/28/2016, at the above addressed location, there was a large metal shelf unit and metal bars blocking the electrical disconnect in the receiving area preventing access to the disconnect switch at bay door number 3.
- d) On or about 03/28/2016, at the above addressed location, there were metal racks and material that were stored in front of an electrical disconnect switch at the exit to the loading dock at bay door number 2 preventing access to the disconnect switch.
- e) On or about 04/26/2016, at the above addressed location, there were four heavy metal racks and material that were stored in front of an electrical disconnect switch in the receiving area preventing access to the disconnect switch for the roll down door number 3.
- f) On or about 04/26/2016, at the above addressed location, there were cardboard boxes, plastic bins and a ladder stored in front of an electrical disconnect switch in the compactor room preventing access to the disconnect switch for the compactor.
- g) On or about 04/26/2016, at the above addressed location, there were cardboard boxes stored in front of an electrical disconnect switch in the loading dock for the box compactor preventing access to the disconnect switch.

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

Macy's Inc. (aka Macy's Department Stores) was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.303(g)(1)(ii), which was contained in OSHA inspection number 315887695, citation number 01, item number 02 and was affirmed as a final order on 07/16/2012, with respect to a workplace located at 3401 Paxton Street, Harrisburg, PA 17111.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$38500.00

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

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

On or about 03/28/2016, at the above addressed location, employees were exposed to a shock hazard from flexible cords that were being used as a substitute for the permanent wiring of the structure:

- a) A damaged flexible cable was wrapped around a shelf bracket providing power to a shelf mounted overhead fan in the receiving area.
- b) A flexible cable was wrapped around a post providing power to a spotlight and floor mounted fan in the loading dock.
- c) A power strip that provided power to an overhead fan had a cable that ran along the grating on the wall in the receiving area opposite the loading dock.
- d) On or about 06/14/2016, at the above addressed location, two power strips were being used to power a fixed overhead fan and portable fans.

Macy's Department Stores (aka Macy's) was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.305(g)(1)(iv)(a), which was contained in OSHA inspection number 315887695, citation number 03, item number 01, and was affirmed as a final order on 08/01/2012, with respect to a workplace located at 3401 Paxton Street, in Harrisburg, Pennsylvania 17111.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2016
Proposed Penalty:	\$22000.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

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

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit":

On or about 01/15/ 2016, at the above addressed worksite, employees working in and around the receiving area were exposed to a fire hazard caused by exit doors that were not clearly marked.

Macy's Department Stores (aka Macy's) was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(b)(2), which was contained in OSHA inspection number 315887695, citation number 02, item number 01, and was affirmed as a final order on 08/01/2012, with respect to a workplace located at 3401 Paxton Street, in Harrisburg, Pennsylvania 17111.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2016
Proposed Penalty:	\$220.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

- a) On or about 01/15/ 2016, at the above addressed worksite, employees working in the receiving area were exposed to a hazard caused by lack of signs posted along the exit access route.
- b) On or about 01/15/ 2016, at the above addressed worksite, employees working in the women's shoe area were exposed to a hazard caused by lack of signs posted along the exit access route.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$0.00

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

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

Citation 4 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit was not marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use:

- a) On or about 01/15/ 2016, at the above addressed worksite, employees working in the receiving area were exposed to a fire hazard caused by doors along an access route that were not marked "not an exit".
- b) On or about 01/15/ 2016, at the above addressed worksite, employees working in the women's shoe storage area were exposed to a fire hazard caused by doors along an access route that were not marked "not an exit".
- c) On or about 01/15/ 2016, at the above addressed worksite, employees working in the compactor room area were exposed to a fire hazard caused by doors along an access route that were not marked "not an exit".

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$0.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1118111
Inspection Date(s): 01/15/2016 - 03/28/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180

Citation 4 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

On or about 01/15/ 2016, at the above addressed worksite, employees working in and around the receiving area were exposed to a fire hazard due to fire extinguishers that were not mounted and the location not identified.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$0.00

A handwritten signature in blue ink, appearing to read "C. Eastmond", written over a horizontal line.

Condell Eastmond
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: 954-424-0242 Fax: 954-424-3073



INVOICE / DEBT COLLECTION NOTICE

Company Name: MACY'S INC., dba Macy's Florida Stores, LLC
Inspection Site: 19535 Biscayne Boulevard, Aventura, FL 33180
Issuance Date: 07/14/2016

Summary of Penalties for Inspection Number	1118111
Citation 1, Serious	\$30800.00
Citation 2, Repeat	\$60500.00
Citation 3, Repeat	\$220.00
Citation 4, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$91520.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on

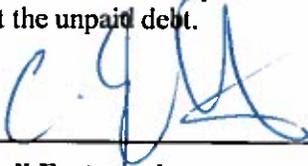
your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

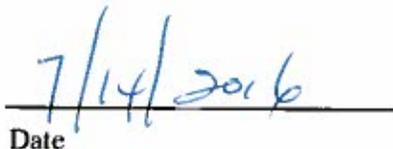
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Condell Eastmond

Area Director



Date

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: 954-424-0242 Fax: 954-424-3073



Citation and Notification of Penalty

To:
The Finish Line, Inc. of Indiana, dba The Finish Line,
Inc.
and its successors
3308 Mitthoefferr Road
Indianapolis, IN 46235

Inspection Site:
19535 Biscayne Blvd.
Aventura, FL 33180

Inspection Number: 1134919
Inspection Date(s): 03/24/2016 - 03/24/2016
Issuance Date: 07/14/2016

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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.**

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/14/2016. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1134919

Company Name: The Finish Line, Inc. of Indiana, dba The Finish Line, Inc.
Inspection Site: 19535 Biscayne Blvd., Aventura, FL 33180
Issuance Date: 07/14/2016

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1134919
Inspection Date(s): 03/24/2016 - 03/24/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: The Finish Line, Inc. of Indiana, dba The Finish Line, Inc.
Inspection Site: 19535 Biscayne Blvd., Aventura, FL 33180

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and in an orderly condition.

On or about 03/24/2016, at the above addressed location, the employees were exposed to tripping and fall hazards due to areas throughout the stock storage areas were cluttered with boxes and not kept in a clean condition.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$5400.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1134919
Inspection Date(s): 03/24/2016 - 03/24/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: The Finish Line, Inc. of Indiana, dba The Finish Line, Inc.
Inspection Site: 19535 Biscayne Blvd., Aventura, FL 33180

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

On or about 03/24/2016, at the above addressed location, employees were exposed to a hazard due to aisles in the store room that were obstructed with accumulations of boxes blocking the exit routes.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$5400.00

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1134919
Inspection Date(s): 03/24/2016 - 03/24/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: The Finish Line, Inc. of Indiana, dba The Finish Line, Inc.
Inspection Site: 19535 Biscayne Blvd., Aventura, FL 33180

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

29 CFR 1910.36(g)(2): An exit access must be at least 28 inches (71.1 cm) wide at all points. Where there is only one exit access leading to an exit or exit discharge, the width of the exit and exit discharge must be at least equal to the width of the exit access.

On or about 03/24/2016, at the above addressed worksite, employees were exposed to a hazard in the storage room due to an exit aisle that was not at least 28-inches.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/26/2016

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1134919
Inspection Date(s): 03/24/2016 - 03/24/2016
Issuance Date: 07/14/2016



Citation and Notification of Penalty

Company Name: The Finish Line, Inc. of Indiana, dba The Finish Line, Inc.
Inspection Site: 19535 Biscayne Blvd., Aventura, FL 33180

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

On or about 03/24/ 2016, at the above addressed worksite, employees working in and around the store room were exposed to a hazard due to a fire extinguisher that was on the floor at the end of a blocked aisle, not mounted and the location not identified.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2016
\$900.00



Condell Eastmond
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: 954-424-0242 Fax: 954-424-3073



INVOICE / DEBT COLLECTION NOTICE

Company Name: The Finish Line, Inc. of Indiana, dba The Finish Line, Inc.
Inspection Site: 19535 Biscayne Blvd., Aventura, FL 33180
Issuance Date: 07/14/2016

Summary of Penalties for Inspection Number	1134919
Citation 1, Serious	\$10800.00
Citation 2, Other-than-Serious	\$900.00
TOTAL PROPOSED PENALTIES	\$11700.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

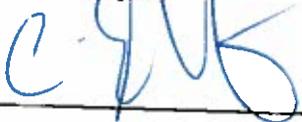
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

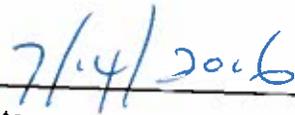
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Condell Eastmond

Area Director



Date