

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813
Phone: (808)586-9110 FAX: (808)586-9104



Certified Number: 7006 2150 0000 0119 6703

Citation and Notification of Penalty

To:
Pacific Beach Corporation
and its successors
2490 Kalakaua Ave
Honolulu, HI 96815

Inspection Number: 313075517
Inspection Date(s): 06/16/2011- 06/27/2011
Issuance Date: 10/19/2011
OSHCO ID: F9171
Optional Report No.: 03311
Inspection Type: Programmed Planned
Scope of Inspection: Comprehensive Inspection

Inspection Site:
2490 Kalakaua Ave
Honolulu, HI 96815

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 describes violations of the Hawaii Occupational Safety and Health Law. 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, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) 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 Law has occurred unless there is a failure to contest as provided for in the Law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) 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 State holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar 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 Administrator within 20 calendar 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 page 5, 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.

Employers' 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 penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or 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 each violations which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

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 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - 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 Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days 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 inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. 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.

ABATEMENT CERTIFICATION

JENNIFER SHISHIDO, ADMINISTRATOR
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
HONOLULU, HI 96813

Pacific Beach Corporation
2490 Kalakaua Ave
Honolulu, HI 96815

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

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

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 10/19/2011. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, HONOLULU, HI, 96813 on _____ at _____.

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



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

HAR §12-60-2(a)(3) was violated because:

Ice build-up at the entrance and the middle of the walk-in freezer created a slip and fall hazard.

§12-60-2(a)(3) states "Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used."

Location: Oceanarium kitchen freezer

Date By Which Violation Must be Abated:	10/24/2011
Penalty:	\$ 2,250.00



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

The alleged violations below (2a & 2b) have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

HAR §12-60-2(b)(1)(A) was violated because:

The employer's written safety and health program that sets forth policies, procedures, and practices that recognize and protect employees from occupational safety and health hazards was not instituted. Furthermore, Department Managers were not held accountable, pursuant to the requirement in their written safety and health program, to mitigate hazardous conditions by failing to detect and address safety and health hazards within the establishment.

§12-60-2(b)(1)(A) states "The employer shall institute and maintain an effective safety and health program to identify, evaluate and control workplace hazards. Employer safety and health programs which were developed prior to the promulgation of this standard may be used to satisfy this requirement so long as they meet the criteria for an acceptable program set forth in (B) below."

Location: Establishment

Date By Which Violation Must be Abated: 11/21/2011
Penalty: \$ 2,250.00



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

HAR §12-60-2(b)(3) was violated because:

Periodic in-house safety inspections were not conducted so that new or previously missed hazards or failures in work practice or administrative controls were identified. The in-house inspections shall be conducted by individuals who are trained to recognize hazardous conditions, as members of the safety and health committee or a person designated and trained by the employer for the establishment's safety and health program.

§12-60-2(b)(3) states "Periodic inspections. The employer shall conduct periodic in-house safety and health inspections so that new or previously missed hazards or failures in engineering, work practices, and administrative controls are identified. The in-house inspections will be conducted by individuals who are trained to recognize hazardous conditions, as members of the safety and health committee or a person designated and trained by the employer for the facility's safety and health program."

Location: establishment

Date By Which Violation Must be Abated:

11/21/2011

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

29 CFR 1910.22(d)(1) [Refer to chapter 12-72.1, HAR] was violated because:

A 30 foot long by 4 feet wide mezzanine storage platform used to store plywood sheets, cardboard boxes, and miscellaneous food and beverage supplies approximately 9 feet above the kitchen floor did not have a load rating sign posted.

29 CFR 1910.22(d)(1) states "In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent."

Location: Grand Ballroom kitchen

Date By Which Violation Must be Abated:	10/24/2011
Penalty:	\$ 2,250.00

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313075517
Inspection Dates: 06/16/2011 - 06/27/2011
Issuance Date: 10/19/2011



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

29 CFR 1910.23(d)(1)(i) [Refer to chapter 12-72.1, HAR] was violated because:

A 4-foot wooden A-frame ladder with loose metal hardware and fittings was available for use by employees as it was stored in the laundry dryer room in the housekeeping department.

29 CFR 1910.23(d)(1)(i) states "Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the movable parts shall operate freely without binding or undue play."

Location: Laundry dryer room

Date By Which Violation Must be Abated:	10/24/2011
Penalty:	\$ 1,800.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

29 CFR 1910.215(b)(9) [Refer to chapter 12-80.1, HAR] was violated because:

A Dayton 10-inch double abrasive wheel grinder was missing both peripheral guard protector members (tongue guards). The distance from the housing to the grinding wheel was measured at: (a) the right wheel was 3/4-inch, and (b) the left wheel was 7/8-inch.

29 CFR 1910.215(b)(9) states "Safety guards of the types described in subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in paragraphs (b)(3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23)."

Location: Maintenance shop

Date By Which Violation Must be Abated:	10/24/2011
Penalty:	\$ 2,250.00



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

29 CFR 1910.305(b)(2)(i) [Refer to chapter 12-89.1-1, HAR] was violated because:

The face plate was missing from a double receptacle box. Employees were exposed to inadvertent contact with the live parts inside.

29 CFR 1910.305(b)(2)(i) states "All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear."

Location: Oceanarium kitchen

Date By Which Violation Must be Abated:	10/24/2011
Penalty:	\$ 4,500.00

State of Hawaii
Department of Labor and Industrial Relations
Hawaii Occupational Safety And Health Division

Inspection Number: 313075517
Inspection Dates: 06/16/2011 - 06/27/2011
Issuance Date: 10/19/2011



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

29 CFR 1910.1030(c)(1)(iv) [Refer to chapter 12-205.1, HAR] was violated because:

Pacific Beach Hotel's Exposure Control Plan was not annually updated. The Exposure Control Plan was last updated and reviewed in 2009.

29 CFR 1910.1030(c)(1)(iv) states "The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure."

Location: Establishment

Date By Which Violation Must be Abated:	10/24/2011
Penalty:	\$ 2,250.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

29 CFR 1910.1030(d)(4)(iv)(A)(2) [Refer to chapter 12-205.1 HAR] was violated because:

The employer did not provide biohazard bags that were labeled or color-coded for employees to hold and transport contaminated laundry. A regular black trash bag and a regular clear trash bag were used to hold and transport contaminated laundry.

29 CFR 1910.1030(d)(4)(iv)(A)(2) states "Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with paragraph (g)(1)(i) of this standard. When a facility utilizes Universal Precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions."

Location: Establishment

Date By Which Violation Must be Abated: 10/24/2011
Penalty: \$ 2,250.00



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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

29 CFR 1910.1030(f)(2)(i) [Refer to chapter 12-205.1, HAR] was violated because:

The employer did not make the Hepatitis B vaccination series available to employees who were occupationally exposed to blood or other potentially infectious materials. Housekeeping and Security Department employees with occupational exposure were not offered the Hepatitis B vaccination series.

29 CFR 1910.1030(f)(2)(i) states "Hepatitis B vaccination shall be made available after the employee has received the training required in paragraph (g)(2)(vii)(I) and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons."

Location: Establishment

Date By Which Violation Must be Abated:	11/21/2011
Penalty:	\$ 2,250.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

The alleged violations below (10a & 10b) have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 10a Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(ii)(A) [Refer to chapter 12-205.1, HAR] was violated because:

The employer did not provide initial Bloodborne Pathogens training for employees with occupational exposure to bloodborne pathogens.

29 CFR 1910.1030(g)(2)(ii)(A) states "Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place."

Location: Establishment

Date By Which Violation Must be Abated:	11/21/2011
Penalty:	\$ 2,250.00

Citation 1 Item 10b Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(ii)(B) [Refer to chapter 12-205.1, HAR] was violated because:

The employer did not provide annual Bloodborne Pathogens training for employees with occupational exposure to bloodborne pathogens.

29 CFR 1910.1030(g)(2)(ii)(B) states "At least annually thereafter."

Location: Establishment

Date By Which Violation Must be Abated:	11/21/2011
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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815

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


29 CFR 1910.1200(h)(1) [Refer to chapter 12-203.1, HAR] was violated because:

Employees who use and who are exposed to hazardous chemicals in their work areas were not trained in the use and availability of material safety data sheets.

29 CFR 1910.1200(h)(1) states "Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and material safety data sheets."

Location: Establishment

Date By Which Violation Must be Abated: 11/21/2011
Penalty: \$ 2,250.00



JENNIFER SHISHIDO
Administrator

State of Hawaii

Department of Labor and Industrial Relations
 HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
 830 PUNCHBOWL STREET, ROOM 425
 HONOLULU, HI 96813

SUMMARY OF PENALTIES

Company Name: Pacific Beach Corporation
Inspection Site: 2490 Kalakaua Ave, Honolulu, HI 96815
Issuance Date: 10/19/2011

#2256750
 11/10/11
PAID
 CK # 094470

Summary of Penalties for Inspection Number 313075517

Citation 1, Serious = \$ 26,550.00
TOTAL PENALTIES = \$ 26,550.00

Make check or money order payable to the "Director of Budget and Finance." Please indicate the inspection number and dba, if company name is different, on the remittance. A fee of \$15.00 will be charged for any returned checks.

If receipt is desired, please indicate with payment; otherwise, your cancelled check will be your receipt.

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		SECTION ON DELIVERY	
For delivery information visit our website at www.usps.com		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
OFFICIAL USE		Printed Name) <i>Blaffer</i> <i>Hee</i>	C. Date of Delivery 10/21/11
Safety Postage \$ <i>1.48</i>	313075517	Address different from item 1? <input type="checkbox"/> Yes Delivery address below: <input type="checkbox"/> No	
Certified Fee <i>2.85</i>		<input type="checkbox"/> Express Mail	
Return Receipt Fee (Endorsement Required) <i>2.30</i>		<input type="checkbox"/> Return Receipt for Merchandise	
Restricted Delivery Fee (Endorsement Required)		<input type="checkbox"/> C.O.D.	
Total Postage & Fees \$ <i>6.63</i>	Delivery? (Extra Fee) <input type="checkbox"/> Yes		00 0119 6703
Sent To Pacific Beach Corporation			
Street, Apt. No., or PO Box No. 2490 Kalakaua Avenue			
City, State, ZIP+4 Honolulu, Hawaii 96815			
PS Form 3800, August 2006 See Reverse for Instructions			

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY & HEALTH DIVISION

In the Matter of: Pacific Beach Corporation
Inspection No. 313075517
Inspection Site: 2490 Kalakaua Ave
Honolulu, HI 96815

SETTLEMENT AGREEMENT

The undersigned employer and the Director of the Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (HIOSH), in settlement of the citation(s) and penalties, issued on October 19, 2011, as a result of the above inspection hereby agree as follows:

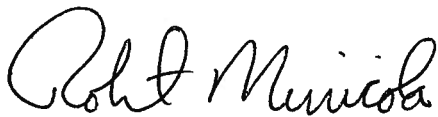
1. The employer and Director agree that the citation(s) and penalties are amended as follows:

Citation 1, Item 1	\$ 1,912.50
Citation 1, Items 2a & 2b	1,912.50
Citation 1, Item 3	1,912.50
Citation 1, Item 4	1,530.00
Citation 1, Item 5	1,912.50
Citation 1, Item 6	3,825.00
Citation 1, Item 7	1,912.50
Citation 1, Item 8	1,912.50
Citation 1, Item 9	1,912.50
Citation 1, Items 10a & 10b	1,912.50
Citation 1, Item 11	1,912.50

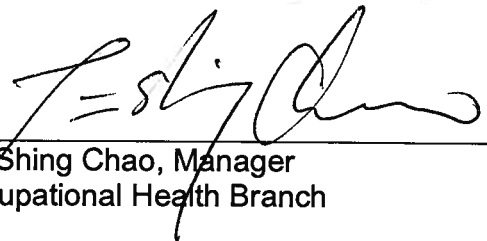
TOTAL	<u>\$22,567.50</u>
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2. The penalty reduction is in consideration of the employer's prompt abatement of the cited hazards and efforts to prevent their recurrence.
3. The employer, by signing this Settlement Agreement, hereby waives its rights to contest the original citation(s) and penalties, and as amended in this agreement.
4. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days, whichever is longer.

5. The employer agrees to continue to comply with the Hawaii Occupational Safety and Health Law and the applicable safety and health standards.
6. By entering into this agreement, the employer does not admit that it violated the cited standards for any litigation or purpose other than a subsequent proceeding under the Hawaii Occupational Safety and Health Law.
7. The employer agrees and understands that if employer fails to comply with each and every term of this agreement, this agreement shall be null and void upon written notice by the Director and the original citation(s) and penalties issued on October 19, 2011, shall become a final order.
8. The employer agrees:
 - a. to pay the assessed penalties as modified herein within 20 days of the date this agreement is executed; and,
 - b. to pay reasonable attorney's fees and costs if the employer defaults on the payment of the penalties and Director institutes legal action to recover the unpaid penalties.
9. If this Settlement Agreement is not executed and returned to HIOSH by November 7, 2011, then the citation(s) and penalties issued on October 19, 2011, will become a final order of the Director of the Department of Labor and Industrial Relations. Please make sure you allow sufficient time for mailing.
10. This Settlement Agreement shall be considered as an order of the Director of the Department of Labor and Industrial Relations.



Robert Minicola, Vice President
Pacific Beach Corporation



Tin Shing Chao, Manager
Occupational Health Branch

Date: November 7, 2011

Date: 11-7-11