

**U.S. Department of Labor**

Occupational Safety and Health Administration  
800 Dolorosa  
Washington Square Bldg., Suite 203  
San Antonio, TX 78207  
Ph.: 210-472-5040 Fax: 210-472-5045



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## Citation and Notification of Penalty

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**To:**  
Newport Property Ventures, Ltd.  
3211 Ponce De Leon, Ste. 202  
Coral Gables, FL 33134

**Inspection Number:** 448114  
**Inspection Date(s):** 03/23/2012 - 03/23/2012  
**Issuance Date:** 09/06/2012

**Inspection Site:**  
Reserve at Pecan Valley  
4032 E Southcross Blvd  
San Antonio, TX 78223

*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.*

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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 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. Please contact the U.S. Department of Labor – OSHA for an informal conference at 210-472-5040 ext. 237 for an appointment.

**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.

OSHA 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 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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

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



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## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

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An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/06/2012. The conference will be held at the OSHA office located at 800 Dolorosa,

Washington Square Bldg., Suite 203, San Antonio, TX 78207 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 448114**

Company Name: Newport Property Ventures, Ltd.  
Inspection Site: Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223  
Issuance Date: 09/06/2012

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, 800 Dolorosa, Washington Square Bldg., Suite 203, San Antonio, TX 78207**

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): \_\_\_\_\_

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

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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 1 a** Type of Violation: **Serious**

29 CFR 1910.1001(j)(1): The building owner, facility owner or employer did not treat the installed thermal system insulation (TSI) and/or sprayed-on or troweled-on surfacing material in buildings constructed no later than 1980 as asbestos containing material (ACM) or presumed asbestos containing material (PACM):

- a) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 5 was not presumed to contain asbestos.
- b) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment buildings 6 was not presumed to contain asbestos.
- c) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 8 was not presumed to contain asbestos.
- d) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 9 was not presumed to contain asbestos.
- e) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 29 was not presumed to contain asbestos.

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

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f) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 30 was not presumed to contain asbestos.

g) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 31 was not presumed to contain asbestos.

h) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 33 was not presumed to contain asbestos.

i) The Reserve at Pecan Valley: On or about March 9, 2012 the employers and building owners did not treat installed sprayed on surfacing material as asbestos containing material in buildings constructed no later than 1980. Popcorn ceiling texture present on ceiling in the apartment building 36 was not presumed to contain asbestos.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/16/2012  
\$6650.00

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

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Inspection Date(s): 03/23/2012 - 03/23/2012  
Issuance Date: 09/06/2012



**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.

**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

29 CFR 1910.1001(j) (2) (i): The building owner or facility owner did not determine the presence, location, and quantity of presumed asbestos-containing material (PACM) and/or other asbestos-containing material (ACM) at the work site:

The Reserve at Pecan Valley: On or about March 09, 2012, maintenance employee(s) were performing work on the property and the presence, location, and quantity of asbestos containing material and/or presumed asbestos containing material were not determined by the property owner or management company exposing employees to health hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/11/2012

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: 448114  
Inspection Date(s): 03/23/2012 - 03/23/2012  
Issuance Date: 09/06/2012



**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.

**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

29 CFR 1910.1001(j)(2)(iii): Building and facility owners did not inform employers of employees, and employers did not inform employees who will perform housekeeping activities in areas which contain ACM and/or PACM of the presence and location of ACM and/or PACM in such areas which may be contacted during such activities.

The Reserve at Pecan Valley: On or about March 9, 2012, Newport Property Ventures, Ltd. did not inform employees and employers working on site, areas that contained asbestos containing or presumed asbestos containing material presence and locations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/16/2012  
\$6650.00

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: 448114  
Inspection Date(s): 03/23/2012 - 03/23/2012  
Issuance Date: 09/06/2012



**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.  
**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

1910.1001(j) (4): Warning labels were not affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or their containers. When a building owner or employer identifies previously installed ACM and/or PACM, labels or signs were not affixed or posted so that employees were notified of what materials contained ACM and/or PACM.

The Reserve at Pecan valley: On or about March 9, 2012, Newport Property Ventures, Ltd., did not affix labels or post signs identifying materials that were ACM and/or PACM.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/16/2012
Proposed Penalty:	\$2850.00

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: 448114  
Inspection Date(s): 03/23/2012 - 03/23/2012  
Issuance Date: 09/06/2012



**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.  
**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

29 CFR 1910.1001(j)(7)(iv): The employer did not provide, at no cost to employees who perform housekeeping operations in an area which contains ACM or PACM, an asbestos awareness training course, which shall at a minimum contain the following elements: health effects of asbestos, locations of ACM and PACM in the building/facility, recognition of ACM and PACM damage and deterioration, requirements in this standard relating to housekeeping, and proper response to fiber release episodes, to all employees who perform housekeeping work in areas where ACM and/or PACM is present. Each such employee shall be so trained at least once a year.

The Reserve at Pecan Valley: On or about March 9, 2012. Newport Property Ventures, Ltd. did not train employees who perform housekeeping operations in an area that contains asbestos containing or presumed asbestos containing material.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/16/2012  
Proposed Penalty: \$2850.00

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: 448114  
Inspection Date(s): 03/23/2012 - 03/23/2012  
Issuance Date: 09/06/2012



**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.

**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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 5 a** Type of Violation: **Serious**

29 CFR 1926.1101(k)(2)(ii)(A): Prospective employers applying or bidding for work whose employees reasonably can be expected to work in or adjacent to areas containing ACM and/or PACM material were not notified of such material;

- a) The Reserve at Pecan Valley: On or about March 9, 2012, Newport Property Venture, Ltd. did not inform Alco painting & Remodeling of the presence of ACM and/or PACM.
- b) The Reserve at Pecan Valley: On or about March 9, 2012, Newport Property Venture, Ltd. did not inform Frank Gonzales of the presence of ACM and/or PACM.
- c) The Reserve at Pecan Valley: On or about March 9, 2012, Newport Property Venture, Ltd. did not inform Luis Lozada of the presence of ACM and/or PACM.
- d) The Reserve at Pecan Valley: On or about March 9, 2012, Newport Property Venture, Ltd. did not inform Clemente Covarrubias of the presence of ACM and/or PACM.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

09/16/2012  
\$6650.00

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: 448114  
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**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.  
**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

29 CFR 1926.1101(k) (2) (ii) (D): Tenants who will occupy areas containing such material were not notified of ACM and/or PACM:

The Reserve at Pecan Valley: On or about March 9, 2012, Newport Property Ventures, Ltd., did not inform the residents of the Reserve at Pecan Valley of the asbestos containing and/or presumed asbestos containing material.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/16/2012

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: 448114  
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**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.  
**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

29 CFR 1910.1200(e)(1): Employer did not develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, material safety data sheets, and employee information and training will be met:

The Reserve at Pecan Valley: On or about March 09, 2012, the employer did not develop and implement a written hazard communication program which included access to MSDS and employee training for employees exposed to chemicals such as but not limited to: asbestos containing materials, 3M Super 77 spray containing acetone, cyclohexane and other materials, and chlorine shock treatment containing sodium chloride and sodium dichloro-s-triazinetriene dihydrate.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/16/2012
Proposed Penalty:	\$2850.00

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: 448114  
Inspection Date(s): 03/23/2012 - 03/23/2012  
Issuance Date: 09/06/2012



**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.  
**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present:

The Reserve at Pecan Valley: On or about March 09, 2012, employee(s) were using augers to remove clogged toilets in apartment units without appropriate selection and use of gloves, aprons, eye or face protection exposing employees to raw sewage and other potentially infectious materials.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	09/16/2012
Proposed Penalty:	\$950.00

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: 448114  
Inspection Date(s): 03/23/2012 - 03/23/2012  
Issuance Date: 09/06/2012



**Citation and Notification of Penalty**

**Company Name:** Newport Property Ventures, Ltd.  
**Inspection Site:** Reserve at Pecan Valley, 4032 E Southcross Blvd, San Antonio, TX 78223

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

29 CFR 1910.133(a) (1): Protective eye or face equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment:

- a) The Reserve at Pecan Valley: On or about March 09, 2012, the employer did not provide eye or face equipment when employee(s) were potentially exposed to Hepatitis A, B, or C or other potentially infectious materials while removing clogged toilets from apartment units.
- b) The Reserve at Pecan Valley: On or about March 09, 2012, the employer did not provide eye or face equipment when employee(s) were pouring granular shock treatment into the apartment pools exposing employee to corrosive hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/11/2012

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

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

29 CFR 1910.138(a): The employer did not select and require employees to use appropriate hand protection when employee's hands were exposed to hazardous condition(s):

a) The Reserve at Pecan Valley: On or about March 09, 2012, the employer did not select appropriate hand protection when employee(s) were exposed to other potentially infectious materials while removing clogged toilets and drains.

b) The Reserve at Pecan Valley: On or about March 09, 2012, the employer did not select appropriate hand protection when employee(s) were exposed to corrosive granular shock treatment while applying to swimming pools.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/16/2012

*Kelly C. Knighton*

**Kelly C. Knighton, CSP**  
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  
800 Dolorosa  
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Ph.: 210-472-5040 Fax: 210-472-5045



**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name:** Newport Property Ventures, Ltd.  
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**Issuance Date:** 09/06/2012

<b>Summary of Penalties for Inspection Number</b>	<b>448114</b>
<b>Citation 1, Serious</b>	<b>\$28500.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$950.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$29450.00</b>

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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.

OSHA 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 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.

*for Alysha Part J*

Kelly C. Knighton, CSP

Area Director

9/6/2012

Date