



Matthew H. Mead
Governor

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John Cox
Director
John Ysebaert
Deputy Director

OSHA Special Commission Meeting Minutes

Date: August 18, 2017

Time: 9:00 a.m.

Location: Cheyenne CBC, OSHA Training Room #101, 1510 East Pershing Blvd, Cheyenne WY and via phone (855)-522-6241.

1. **Call to order:** OSHA Commission Chair Dennis Shepard called the meeting to order at 9:07 a.m.
2. **OSHA Commission members present via telephone conference call:** Chair Dennis Shepard, Chuck Dobkins, Doug Thomas, Monte Paddleford
3. **OSHA Staff Members present:** Daniel Bulkley, Deputy Administrator; Ken Masters, Operations Manager; Jody Paessler, Administrative Support; Christian Graham, Compliance Manager; Brad Westby, Compliance Lead. **Guest present via telephone:** Jared Killpack, Green Homes.

4. **Old Business:**

None at this time due to this being a Special Meeting to address a request made by the Owner of Green Homes to discuss OSHA Inspections 314508912 & 314509241.

5. **New Business:**

- a. Chair Shepard turned the meeting to OSHA Staff to update the Commission on the status of the inspections. Ken Masters reported that a chronological account of activity for the inspections had been sent to Commissioners prior to meeting. The accounts had been turned over to our collection agency. Upon being contacted by the collection agency, a representative of Green Homes requested a meeting with the OSHA Commission to plead their case. Ken then turned the meeting to Mr. Killpack to address the Commission. Mr. Killpack began by explaining that after receiving the citations, the company decided to eliminate all



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field employees and operate strictly as a general contractor and hire subcontractors to work on the jobsites. Green Homes was essentially disbanded for a time and re-formed as New Peak Construction. Mr. Killpack stated that once the company was back up and running, they hired an intern through the University of Wyoming as their office support and that a certified letter sent by Wyoming OSHA informing the owners of the Final Order with a deadline for paying the remaining penalty was signed for by the intern but never passed on to the owners. Owners contacted Wyoming OSHA after being contacted by the collection agency and made arrangements to have Wyoming OSHA Consultation visit their jobsites in Laramie. Mr. Killpack then asked the Commission for their questions or concerns. The Commission requested some points of clarification regarding the status of the case files and the nature of the repeat violations, which staff provided. Concern was expressed by the Commission as to the intent of the employer to follow through if an extension is granted due to past responsiveness demonstrated by the chronology of the case files. Mr. Killpack felt that there had been some lack of communication from both parties. Further discussion ensued regarding training for subcontractors and employees. Dan Bulkley proposed that employer agree to arrange for site visits by either OSHA Consultation or Workers' Compensation Safety Specialists to all of their job sites over the next year. Mr. Killpack indicated they would be willing to agree to the visits. Chair Shepard then dismissed Mr. Killpack and informed him that the Commission would continue the discussion and he would be notified of their final decision. After further consideration and discussion between the Commission and staff the following motion was put forth.

Motion that for the time period ending September 1, 2018, New Peak will notify Wyoming OSHA of any construction activities they have at which time the department will arrange for either a Consultation or WCSR representative or representatives to verify compliance by and provide training to subcontractors on the site and complete abatement requirements as written up and agreed upon. If New Peak doesn't comply with this agreement, the remainder of the full penalty amount will be due and case file numbers 314508912 and 314509241 will be closed and placed with collections. Motion seconded. Vote carries the motion.

The Commission requested that staff assemble a revised Consent Agreement and include a cover letter from the Commission that makes clear the fact that any violation of the agreement or future violation will be met with no leniency. (Cover letter attached to these minutes.)

b. Meeting adjourned: at 10:32 a.m. on Aug 8, 2017



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Department of Workforce Services

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John Cox
Director
John Ysebaert
Deputy Director

August 18, 2017

Mr. Jared Killpack
New Peak Construction Company
PO Box 2285
Laramie, WY 82073

Re: Special OSHA Commission Meeting to Discuss Final Orders 314508912 and 314509241 relating to Green Homes, currently dba New Peak Construction Company

Mr. Killpack,

This letter is to inform you of the decision that the WY OSHA Commission made on August 18, 2017. It was voted on and approved by the Commission to have the WY OSHA office develop a new consent agreement (see attachment) to be signed and returned to the OSHA office by August 28, 2017. Essentially, it was agreed to extend the due date for any penalty payment until September 1, 2018, with the condition to dismiss the remaining penalties owed if the additional consent agreement is satisfied by August 18, 2018. To satisfy the consent agreement, you shall notify OSHA of any new home construction projects during the next twelve (12) months and effectively coordinate worksite visits with OSHA. OSHA shall coordinate, if necessary, with Workers Compensation for any work being performed by any of your sub-contractors. Onsite visits shall be conducted and any noted deficiencies shall be abated within the agreed upon timeline(s). If requested, OSHA shall also provide training materials and information to those sub-contractors. Your company shall support these events and ensure that subcontractors cooperate.

The Commission was concerned about your sincere intent to fully comply with the issues prior to this meeting as well as concerns of possible non-compliance in the future. If repeated violations were to occur, it is very doubtful that the Commission would be as lenient as it was for the decision made today. The Commission hopes this is not the case and that you and your sub-contractors take full advantage of the opportunities being offered by OSHA.

Part of this agreement is that you shall contact OSHA as far in advance as possible so that OSHA can properly schedule the onsite visits. Failure to work in good faith with OSHA shall result in the immediate breach of the consent agreement. The remaining penalty shall be due immediately in the amount of \$5,926 to the Laramie County Treasurer. If you have questions, please contact OSHA at (307) 777-7787.

Respectfully,

Dennis W. Shepard,
WY OSHA Chairman
WY OSHA Commission



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