

State of California  
 Department of Industrial Relations  
 Division of Occupational Safety and Health  
 Fremont District Office  
 39141 Civic Center Drive, Suite 310  
 Fremont, CA 94538  
 Phone: (510) 794-2521 Fax: (510) 794-3889



## CITATION AND NOTIFICATION OF PENALTY

<p>To:          Monterey Zoological Society, Inc.          and its successors          400 River Road          Salinas, CA 93908</p>	<p>Inspection #: 1325562          Inspection Date (s): 06/25/2018 - 10/25/2018          Issuance Date: 10/26/2018          CSHO ID: R5458          Optional Report #: 012-18          Reporting ID: 0950612</p>
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**Inspection Site:**  
 400 River Road  
 Salinas, CA 93908

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

**Informal Conference** - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

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Inspection #: 1325562  
Inspection Dates: 06/25/2018 - 10/25/2018  
Issuance Date: 10/26/2018  
CSHO ID: R5458  
Optional Report #: 012-18



### Citation and Notification of Penalty

**Company Name:** Monterey Zoological Society, Inc.  
**Establishment DBA:** and its successors  
**Inspection Site:** 400 River Road  
Salinas, CA 93908

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

**18 CCR. Sec. 342. Reporting Work-Connected Fatalities and Serious Injuries.**

(a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

Employer failed to timely report to The Division the serious injury suffered by an employee who was thrown by an elephant on or about June 20, 2018. The employer reported it on June 25, 2018.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$5000.00**

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**Citation and Notification of Penalty**

Company Name: Monterey Zoological Society, Inc.  
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Citation 2 Item 1 Type of Violation: **Serious**

**T8 CCR Sec. 3203. Injury and Illness Prevention Program.**

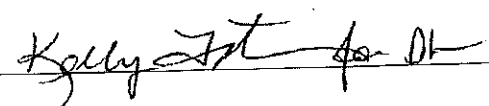
(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:

- (A) When the Program is first established;
- (B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and
- (C) Whenever the employer is made aware of a new or previously unrecognized hazard.

Prior to and during the course of the investigation, including but not limited to, June 20, 2018, the employer failed to implement and maintain an effective Injury and Illness Prevention Program in that they failed to include procedures for identifying unsafe conditions and practices associated with zookeepers working with African Elephants outside of their enclosure.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$4500.00</b>

  
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Compliance Officer / District Manager

State of California  
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Division of Occupational Safety and Health  
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## NOTICE OF PROPOSED PENALTIES

**Company Name:** Monterey Zoological Society, Inc.  
**Establishment DBA:** and its successors  
**Inspection Site:** 400 River Road, Salinas, CA 93908  
**Mailing Address:** 400 River Road, Salinas, CA 93908  
**Issuance Date:** 10/26/2018  
**Reporting ID:** 0950612  
**CSHO ID:** R5458

### Summary of Penalties for Inspection Number 1325562

Citation 1 Item 1, General	\$5000.00
Citation 2 Item 1, Serious	\$4500.00
<b>TOTAL PROPOSED PENALTIES:</b>	<b>\$9500.00</b>

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to: [www.dir.ca.gov/dosh/CalOSHA\\_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html) to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

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

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

DEPARTMENT OF INDUSTRIAL RELATIONS  
 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH – CAL/OSHA  
 Accounting Office - Cashiering Unit  
 Phone (415) 703-4310 or (415) 703-4308

**PENALTY REMITTANCE FORM**

<b>CIVIL PENALTY INFO</b>	<b>INSPECTION NO.:</b> 1325562	<b>REPORTING ID:</b> 0950612	
<b>COMPANY NAME:</b>	Monterey Zoological Society, Inc.	<b>FEIN/SEIN:</b>	UNKNOWN
<b>ESTABLISHMENT DBA:</b>			
<b>CONTACT PERSON:</b>	Charlie Sammut		
<b>PHONE NO.:</b>	(831) 455-1901	<b>FAX NO.:</b>	UNKNOWN
<b>SITE ADDRESS:</b>	400 River Road, Salinas, CA 93908		
<b>MAILING ADDRESS:</b>	400 River Road, Salinas, CA 93908		
<b>CITATION INFORMATION:</b>			
Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this Citation, remittance is still due on all items that are not appealed.			
<b>PAYMENT INSTRUCTIONS:</b>			
For check or money order: please make check or money order payable to Department of Industrial Relations. Write the inspection number and total amount enclosed on the payment coupon below and on the check or money order.			
For credit card or EFT payment, go to: <a href="http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html">www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html</a>			

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

**PAYMENT COUPON**



Inspection No.: 1325562

Amount Enclosed: \$ \_\_\_\_\_

**Mail payment to:**

For credit card or EFT payment, go to:  
[www.dir.ca.gov/dosh/CalOSHA\\_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html)

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