



**MAPLE HILL**  
SENIOR LIVING

5/13/2020

Attn: Debra Jevne  
Executive Secretary, OSHA Review Board  
443 Lafayette Road N  
St. Paul, MN 55155

**RECEIVED**

**MAY 29 2020**

DEPT. OF LABOR & INDUSTRY  
LEGAL SERVICES

Petition to Vacate Inspection No. 318149747

This letter constitutes Maple Hill Senior Living's intention to file a Petition to Vacate the Final Order Determining Late Filing in good faith. Maple Hill was under the interpretation that the date to file a petition was April 16, 2020 not April 15, 2020. Maple Hill submitted multiple updates with the OSHA inspector on status of each citation. In a conversation with the OSHA inspector on April 9, 2020 the inspector and VP of Operations at RM counted the 20 days from the date the Notice of Citations was delivered on March 26, 2020. The OSHA inspector stated that the filing date, to meet the guidelines of the 20 days allowed, was April 16, 2020. During this conversation the VP of Operations and OSHA Inspector set up a date for further communication to ensure all documents were submitted in time. The follow up phone conversation was had on April 15, 2020 between the VP of Operations and the OSHA Inspector to review the status of completion on all citations and to submit a Petition of Modification to Abate (PMA). The first PMA was submitted on April 15, 2020 to the OSHA Citations email address, with an understanding that this was submitted a day early, per the recommendation of the OSHA Inspector to not wait until the last day to submit. On April 16, 2020 the OSHA Inspector then contacted the VP of Operations to get clarification on accuracy of the PMA as the Citation and Item No. were not clarified. During this call the VP of Operations asked about disputing the penalty amount for each citation listed in the correction orders. The OSHA Inspector stated that it would need to be filed with a signed by a Notary Public and submitted to the OSHA Citations email no later than 4:30pm. The OSHA Inspector then returned a phone call to the VP of Operations and informed him that the filing was one day late and that the forms can still be filled but may not be reviewed. The final PMA and disputing of the penalty amount was filed before the 4:30pm deadline on April 16, 2020.

During this time of correcting all Citations the COVID-19 pandemic started in Minnesota. Effective on Friday, March 13, 2020 Maple Hill has been using resources and time to help prevent the spread of COVID-19 while focusing on correcting all Citations issued through the OSHA Inspection. It was done in Good Faith, in tandem with COVID-19, to complete these orders while continuing to care for the residents and provide a safe working environment for the employees of Maple Hill Senior Living. Maple Hill does not have any past history with OSHA compliance and has shown good faith effort to correct these orders timely while navigating the COVID-19 pandemic in an ever-changing Healthcare environment. Maple Hill is an Assisted Living Facility which has been hit the hardest with COVID-19,



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being communal living. We ask the board to review this Petition to Vacate the final determining late filing and review the penalty amount as Maple Hill has no past record of violations. Maple Hill is asking for a Formal Review with the OSHA Board with an oral argument.

Sincerely,

Brandon Mabb

Vice President of Operations

RM Management  
820 Lilac Dr  
Golden Valley, MN 55422