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...It was the biggest OSHA fine in years. And it still hasn't been paid.

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ODOT rules, even willful safety violations don't disqualify a company from bidding on projects. In order to bid on ODOT projects, companies must fill out a "prequalification" application every two years. The application asks if in the previous five years they've been found to have violated state or federal prevailing wage or environmental statutes or regulations — but not whether they've been found to violate safety regulations.

When local painters union reps first learned Abhe & Svoboda got the Ross Island Bridge job, they worried the company might cut corners and leave workers exposed. Abhe & Svoboda — a Minnesota-headquartered company that does business nationwide — had a history of safety violations: In 1996, a worker was killed in Wisconsin in a lift bucket accident. In 1998, a worker fell 200 feet to his death in Maine. In 2011, the company was fined nearly \$30,000 for dozens of OSHA violations on the Astoria-Megler Bridge between Oregon and Washington.

To gather information, union organizer Omar Rubi got a job

on the bridge painting crew. He and several coworkers witnessed serious safety lapses, but were ignored and even disciplined by company management for complaining about the safety issues. Rubi was sent home two days before the accident after saying workers could take their complaints to OSHA, and was later terminated. He now works enforcing prevailing wage rules at the Port of Seattle.

Lilly and his adopted son Montiel are from Brazil, and Lilly speaks limited English, but Montiel, reached by phone at home in Renton, Washington, said his father's fall could have been prevented.

On the morning of the accident, Lilly and other workers were using compressed air hoses to blow down dust, sand, paint chips, and other material. Montiel was working on a temporary platform below scraping paint. Lilly lost his balance and

fell through the ladder after his compressed air hose got stuck on a bent cap cover (a piece of metal used to cover space between scaffold planks on the platform).

Montiel says his dad had warned an Abhe & Svoboda foreman about that exact hazard two days earlier — the loose piece of metal sticking up from

"He was like, oh yeah, we're going to fix it; don't worry.' They didn't fix it, and two days later my dad got caught on that piece of metal and fell through the hole"

— Christopher Montiel

the platform was near an unsecured ladder hole, and Lilly asked that the hole be covered.

"He was like, 'oh yeah, we're going to fix it; don't worry.' They didn't fix it, and two days

later my dad got caught on that piece of metal and fell through the hole."

Lilly fell 37 feet and landed on Montiel's shoulder, knocking him down. Montiel hit his face on the steel deck, resulting in brain bleeding and broken facial bones in four places, and necessitating surgery on both eyes. Lilly suffered injuries to his

wrists, eyes, and scrotum, and two broken ribs. The two had to be removed from the bridge by the Portland Fire Department in an elaborate rescue operation.

Both were experienced painters and had been working for Abhe & Svoboda less than two months. Two years later, both are unable to return to their former occupation because of their injuries, and are doing light-duty work at Salvation Army. They're represented by Portland attorney Colin Hackett in ongoing workers' compensation proceedings.

Abhe & Svoboda's legal appeal of the OSHA fine will be decided by administrative law judge Nicholas Sencer.

Meanwhile, under its contract with ODOT, Abhe & Svoboda was supposed to complete the Ross Island Bridge repainting project by Aug. 31, 2017, but didn't wrap it up until June 15, 2018. To penalize the company for the delay, ODOT assessed \$777,600 in liquidated damages. Abhe & Svoboda is contesting that penalty too.

Abhe & Svoboda chief financial officer Tom Stockert did not return a call seeking comment on the case.

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