

**BEFORE THE NORTH CAROLINA OCCUPATIONAL
SAFETY AND HEALTH REVIEW COMMISSION
RALEIGH, NORTH CAROLINA**

COMMISSIONER OF LABOR OF
THE STATE OF NORTH CAROLINA,

COMPLAINANT,

INSPECTION NO. 307447870

OSHANC NO. 2004-4446

CSHO ID: D3820

v.

GEMINI DRILLING & FOUNDATION LLC.
and its successors,

ORDER

RESPONDENT.

THIS MATTER coming on for Hearing on March 7, 2007 at the Guilford County Courthouse, Courtroom 3B - Third Floor, 201 South Eugene Street, Greensboro, North Carolina at 10:00 a.m. Complainant was represented by Daniel D. Addison, Special Deputy Attorney General, North Carolina Department of Justice. Respondent was represented by Edward L. Powell, Attorney at Law.

Following a pre-hearing conference Respondent moved to withdraw its Motion to Dismiss, Complainant did not object, and such Motion was Granted.

Complainant, with the concurrence of Respondent, moved as follows: to withdraw/dismiss Citation 1, Item 1a and Item 1b; Citation 1 Item 2; Citation 1 Item 4; and Citation 1 Item 5. Citation I Item 3 and Citation 1 Item 6 (collectively referred to as the "Remaining Citations")shall remain, classified as Serious, each with a penalty of \$1,050.00, for a total penalty of \$2,100.00. The Remaining Citations were not classified as Willful.

In reaching the Motion set forth above, Complainant and Respondent agreed as follows:

1. As much as is practical the Respondent will provide all training materials in Spanish to its Spanish speaking employees. To the extent the Respondent' s training materials are not in Spanish Respondent will provide Spanish verbal translation of a summary of the contents of those materials to its Spanish speaking employees.
2. The Respondent will continue to instruct its employees to keep clear of the rear swing radius of the rotating superstructure of its drill rigs. Respondent will maintain warning stickers (bilingual if possible) on the rear of its drill rigs warning employees to keep clear of the rotating superstructure.
3. Respondent will continue to instruct all its employees that in rigging its drilling tools to drill rig hoists they must insert a safety wire in the hole in the end of the rigging pin after the pin has been inserted through both holes in the kelly box.
4. Respondent attests that it will determine that all of the pins it uses to rig drill rig hoists cables to the kelly boxes of its drilling tools will lift those tools without damage to the pins that could effect their safe working load.
5. Respondent's concurrence with the Motion stated above, and its effective withdrawal of its Notice of Contest to the Remaining Citations, was made without acknowledging liability but for the purpose of resolving the matter without the necessity of further litigation.

The Motion is hereby **GRANTED**.

This Order is entered as of March 7, 2007.

R. Joyce Garrett, Hearing Examine