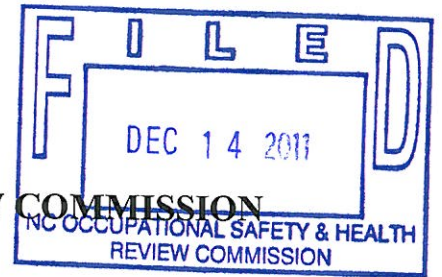


BEFORE THE NORTH CAROLINA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
RALEIGH, NORTH CAROLINA



COMMISSIONER OF LABOR OF
THE STATE OF NORTH CAROLINA
Complainant,

OSHANC NO. 2010 -5073
INSPECTION NO. 314529595

v.

CSHO ID: A-8319

CLANCY & THEYS
CONSTRUCTION CO.
and its successors

Respondent.


THIS MATTER came on for Hearing on December 2, 2011 at the Guilford County Courthouse, Conference Room 401, 301 West Market Street, Greensboro, North Carolina at 10:00 a.m. Complainant was represented by Sonya M. Calloway-Durham, Assistant Attorney General, North Carolina Department of Labor. Respondent was represented by counsel William R. Sparrow, Bugg & Wolf, PA.

A pre-hearing conference was held. As a result of such conference the following motions were made.

Complainant moved to amend the Citation and Notification of Penalty by reclassifying from serious to non-serious without a change in the proposed penalty of \$3,250.00, and to add a requirement that Respondent include on the Pre-Demolition Form that is currently in use by Respondent a section which will include the identification of the competent person conducting the pre-demolition survey, such form to be submitted to Complainant for approval. Respondent did not object to Complainant's Motion, and such Motion is hereby GRANTED.

Respondent moved to withdraw its Notice of Contest to the Citation and Notification of Penalty as Amended. Complainant did not object to the Motion. Respondent's Motion is hereby GRANTED.

This the 2nd day of December, 2011.



R. Joyce Garrett
Administrative Law Judge

DATABASE
05

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

WILLIAM R SPARROW
BUGG & WOLF PA
UNIVERSITY OFFICE PARK
411 ANDREWS ROAD
SUITE 170
DURHAM NC 27705

VICTORIA VOIGHT
NC DEPARTMENT OF JUSTICE
LABOR SECTION
P O BOX 629
RALEIGH NC 27602-0629

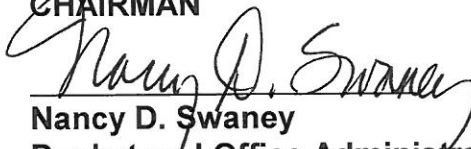
by depositing a copy of the same in the United States Mail, First Class;

NC DEPARTMENT OF LABOR
LEGAL AFFAIRS DIVISION
1101 MAIL SERVICE CENTER
RALEIGH NC 27699-1101

by depositing a copy of the same in the NCDOL Interoffice Mail.

THIS THE 14th DAY OF December 2011.

OSCAR A. KELLER, JR.
CHAIRMAN



Nancy D. Swaney
Docket and Office Administrator
NC Occupational Safety & Health Review Commission
1101 Mail Service Center
Raleigh, NC 27699-1101
TEL.: (919) 733-3589
FAX: (919) 733-3020