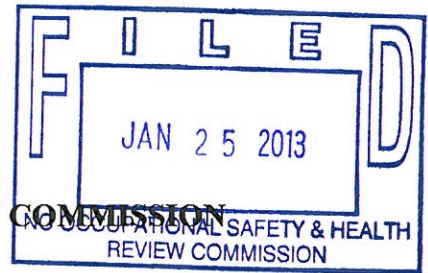


**BEFORE THE NORTH CAROLINA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
RALEIGH, NORTH CAROLINA**



<p>COMMISSIONER OF LABOR FOR THE STATE OF NORTH CAROLINA</p> <p style="text-align: center;">Complainant,</p> <p style="text-align: center;">v.</p> <p>GK HARRIS PROPERTIES INC dba OBX Marine and its successors</p> <p style="text-align: center;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>DOCKET NO: 2012 - 5304</p> <p>INSPECTION NO: 315957563</p> <p>CSHO ID: G0703</p> <p>ORDER</p>
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THIS CAUSE coming on for Hearing on January 15, 2013 at the Lee House, 2nd Floor Hearing Room, 422 North Blount Street, Raleigh, North Carolina at 10:00 a.m. Melissa H. Taylor, Assistant Attorney General appeared as counsel for the Complainant, the Commissioner of Labor, and Greg Harris, President of Respondent, appeared for the Respondent, GK Harris Properties Inc.

FINDINGS OF FACT

- Based on the stipulations at the time of the Hearing and the record the Undersigned makes the following Findings of Fact:
- I. This Court has jurisdiction over the parties and the subject matter of this Hearing.
 - II. Respondent is subject to the jurisdiction of the Safety and Health Review Commission of North Carolina.
 - III. Neither party has any procedural objection to this Hearing.
 - IV. Complainant, Commissioner of Labor of the State of North Carolina, is an agency of the State of North Carolina charged with the administration and enforcement of the provisions of the Occupational Safety and Health Act of North Carolina, Article 16, Chapter 95 of the General Statutes of North Carolina (hereinafter “the Act”).
- A Pre-Hearing conference was held. As a result of such conference, Mr. Harris as President of Respondent acknowledged and stated that he understands that Respondent needs to comply in the future with the Act.

Further, as a result to the Pre-Hearing conference the following Motions were made:

Complainant Moved with respect to Citation 1 that

- Item 1 remain unchanged with a penalty of \$300;
- Items 2, 3 and 9 be grouped with a combined penalty of \$1,400;
- Item 4 be amended to non-serious without penalty;
- Items 5, 6 and 7 be grouped with a combined penalty of \$1000;
- Item 8 remain unchanged with a penalty of \$1,000; with Citation 1 bearing a total penalty of \$3,700.00. Complainant further stated that Complainant agrees to give Respondent a 35% reduction in the penalty, such that the total penalty for all Items in Citation 1 is \$2,405.00

Complainant further Moved with respect to Citation 2 that

- Item 1 be amended to delete the penalty, and such Item be without penalty;
- Items 2, 3 and 4 remain unchanged without penalty.

Respondent did not object to such Motions, and Complainant's Motions are hereby GRANTED.

Respondent Moved to withdraw its Notice of Contest to Citation 1 as Amended with a penalty of \$2,405.00, and to Citation 2 as Amended. Complainant did not object to such Motion, and Respondent's Motion is hereby GRANTED. Respondent shall make payment of the \$2,405.00 penalty as follows: five (5) equal payments of \$481.00 with the first payment being due on June 1, 2013; and successive payments being due on July 1, 2013; August 1, 2013; September 1, 2013; and a final payment on October 1, 2013; at Respondent's option any payment may be made before the due date; provided however the entire balance of \$2,405 must be paid no later than October 1, 2013.

This the 18th day of January, 2013.



R. Joyce Garrett
Administrative Law Judge

530412.ORD

CERTIFICATE OF SERVICE

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

GREG HARRIS
OBX MARINE
PO BOX 126
HARBINGER NC 27941

MELISSA TAYLOR
NC DEPARTMENT OF JUSTICE
LABOR SECTION
P O BOX 629
RALEIGH NC 27602-0629

by depositing same the United States Mail, Certified Mail, postage prepaid, at Raleigh, North Carolina, and upon:

GREG HARRIS
OBX MARINE
PO BOX 126
HARBINGER NC 27941

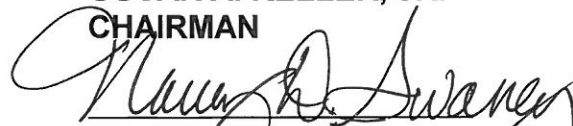
by depositing a copy of the same in the United States Mail, First Class;

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 25th DAY OF January 2013.

OSCAR A. KELLER, JR.
CHAIRMAN



Nancy D. Swaney
Docket and Office Administrator
NC Occupational Safety & Health Review Commission
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Raleigh, NC 27699-1101
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