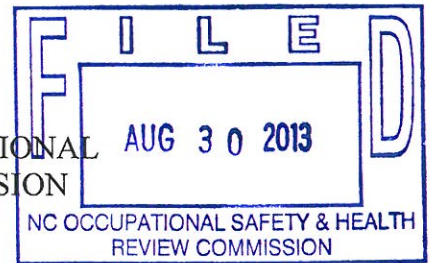


BEFORE THE NORTH CAROLINA OCCUPATIONAL
SAFETY AND HEALTH REVIEW COMMISSION



COMMISSIONER OF LABOR OF
THE STATE OF NORTH CAROLINA,

Complainant,

DOCKET NO. OSHANC-2013-5478
OSHA INSPECTION NO. 315957514
CSHO ID: G0703

vs.

LANFORD & COMPANY, INC.
and its successors

ORDER

Respondent.

THIS MATTER is before the undersigned Monique M. Peebles, Administrative Law Judge for the North Carolina Occupational Safety and Health Review Commission, for the Complainant's Motion to Dismiss the Respondent's Notice of Contest in these proceedings pursuant to Rules .0303(b) and .0308 of the Rules of Procedure of the North Carolina Occupational Safety and Health Review Commission;

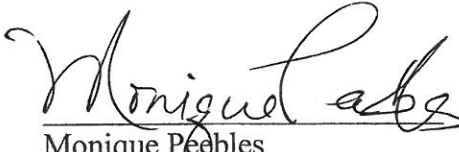
And it appearing to the Court that:

1. On November 28, 2011 the North Carolina Department of Labor (NCDOL) issued a citation and Notification of Penalty to respondent by certified mail return receipt requested.
2. Respondent requested an informal conference which was held via telephone on January 9, 2012.
3. On January 9, a "no change" letter was also sent to Respondent notifying and informing Respondent that Respondent had 15 working days from receipt of the letter to contest the citations or pay the penalty.
4. The letter was received by Respondent on January 12, 2012.

5. Respondent did not file a Notice of Contest or pay the penalty by February 2, 2012, 15 working days after the receipt of the "no change" letter and pursuant to NCGS § 95-137 (b)(1) the citations and proposed penalties became a Final Order of the Review Commission.
6. The Notice of Contest letter dated July 2, 2013 and faxed on July 8, 2013, was not timely.

NOW, THEREFORE, it is hereby ORDERED that Complainant's Motion to Dismiss the Respondent's Notice of Contest is granted and the Final Order is upheld with the penalty of \$28,300.00.

Entered this 27 day of August, 2013.


Monique Peebles
Administrative Law Judge

CERTIFICATE OF SERVICE

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

TOBIE J LANFORD
LANFORD & COMPANY INC
PO BOX 913
MADISON GA 30650

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

LINDA KIMBELL
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 30th DAY OF August 2013.

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