

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

**COMMISSIONER OF LABOR FOR
THE STATE OF NORTH CAROLINA**

Complainant,

v.

**JUSTIN MILLER dba AMAZING
CONSTRUCTION
and its successors**

Respondent.

DOCKET NO: 2015 - 5683

**INSPECTION
NO: 317939734**

CSHO ID: E3555

JUN 24 2016

ORDER
OCCUPATIONAL SAFETY & HEALTH
REVIEW COMMISSION

THIS CAUSE came on for hearing and was heard before the undersigned R. Joyce Garrett, Administrative Law Judge for the North Carolina Occupational Safety and Health Review Commission, on June 21, 2016, at 10:00 A.M. at the Lee House, 422 North Blount Street in Raleigh, North Carolina.

Complainant appeared for the Hearing through its counsel Larissa S. Williamson, Special Deputy Attorney General, North Carolina Department of Justice. Justin Miller, Respondent, appeared pro se.

Based on the agreements at the time of the Hearing and the record the Undersigned makes the following Findings of Fact:

FINDINGS OF FACT

1. Complainant, the North Carolina Department of Labor, by and through its Commissioner, is an agency of the State of North Carolina charged with inspection for, compliance with, and enforcement of the provisions of N.C. Gen. Stat. § 95-126 et. seq., the Occupational Safety and Health Act of North Carolina (the "Act").
2. Complainant issued to Respondent 1 citation with 5 items (Items 1,2, 3a, 3b and 4), with associated penalties in the total amount of \$2,800.00 (collectively referred to as "Citation 1"). Respondent filed a Notice of Contest contesting Citation 1.
3. This Court has jurisdiction over the parties and the subject matter of this Hearing.

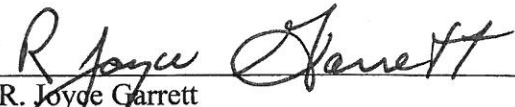
4. Neither party presented any procedural objection to this Hearing.

A conference between the parties and the undersigned was held prior to the scheduled Hearing. As a result of the conference, at the Hearing Complainant made the following Motion:

Complainant moved to delete Citation 1 and corresponding penalties in its entirety, with Respondent agreeing to the following conditions: upon hiring an employee Respondent will, as applicable, perform fall protection training and document that training; insure that employees are provided and use fall protection equipment; perform ladder training and conduct frequent and regular inspections of its worksite, all in accordance with OSHA regulations; all training to be conducted within 1 week of hire, to the extent applicable.

Respondent did not object to Complainant's Motion and Complainant's Motion is hereby **GRANTED**.

This the 21st day of June, 2016.



R. Joyce Garrett
Administrative Law Judge

CERTIFICATE OF SERVICE

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

JUSTIN MILLER
AMAZING CONSTRUCTION
5405 MOUNTAIN VIEW RD
WINSTON-SALEM, NC 27104

LARISSA WILLIAMSON
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 28 DAY OF June 2016.

ARLENE K. EDWARDS
CHAIRMAN


Karissa B. Sluss

Docket and Office Administrator
NC Occupational Safety & Health Review Commission
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