

BEFORE THE NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH

REVIEW COMMISSION

OCT - 9 2017

RALEIGH, NORTH CAROLINA

NC Occupational & Safety  
Health Commission

COMMISSIONER OF LABOR FOR )  
THE STATE OF NORTH CAROLINA )

DOCKET NO.: OSHANC 2016-5818

COMPLAINANT, )

INSPECTION NO.: 318057049

v. )

CSHO ID.: E4286

S.T. WOOTEN CORPORATION )  
*and its successors* )

ORDER

RESPONDENT. )  
)

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 September 26, 2017, at 10 A.M. pursuant to a Notice of Hearing. Larissa S. Williamson, Special Deputy Attorney General, North Carolina Department of Justice, appeared by teleconference for Complainant. Attorney Eva Gullick Frongello of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P., Raleigh, North Carolina, appeared by teleconference for the Respondent. No affected employee of Respondent, or its representative, attended to have a say in, or participate as a party in, the Hearing.

At the time of the Hearing the parties agreed upon and consented to the following Stipulations.

STIPULATIONS

1. Respondent and Complainant waive the presence of a court reporter at the Hearing and the making of a transcript of the Hearing.
2. Respondent is a corporation duly organized and existing under the laws of the State of North Carolina. Respondent maintains a place of business in Wilson, North Carolina.
3. Complainant and Respondent have no objection, either procedural or otherwise, to this Hearing and both parties consent to the conduct of this Hearing by the Undersigned and to entry of this Order.

OSHANC 2016-5818

4. 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 Act.
5. The Stipulations are incorporated by reference as Findings of Fact to the extent necessary to give effect to the provisions of this Order.

#### CONCLUSIONS OF LAW

The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

#### **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

1. That Complainant's Motion is hereby **GRANTED**; and
2. That Respondent's Motion is hereby **GRANTED**. Respondent shall pay the penalty of \$2,000.00 in the manner set forth in Complainant's Motion.

This 26th day of September, 2017.

---

R. Joyce Garrett  
Administrative Law Judge

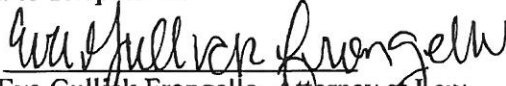
#### **CONSENTED TO:**

##### **For Complainant**

---

Larissa S. Williamson, Special Deputy Attorney General  
North Carolina Department of Justice  
North Carolina Bar Number: 31504

##### **For Respondent**

  
Eva Gullick Frongello, Attorney at Law  
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.  
North Carolina Bar Number: 47776

OSHANC 2016-5818

- 4. 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 Act.
- 5. The Stipulations are incorporated by reference as Findings of Fact to the extent necessary to give effect to the provisions of this Order.

**CONCLUSIONS OF LAW**

The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

- 1. That Complainant's Motion is hereby **GRANTED**; and
- 2. That Respondent's Motion is hereby **GRANTED**. Respondent shall pay the penalty of \$2,000.00 in the manner set forth in Complainant's Motion.

This 26th day of September, 2017.

---

R. Joyce Garrett  
Administrative Law Judge

**CONSENTED TO:**

**For Complainant**




---

Larissa S. Williamson, Special Deputy Attorney General  
North Carolina Department of Justice  
North Carolina Bar Number: 31504

**For Respondent**

---

Eva Gullick Frongello, Attorney at Law  
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.  
North Carolina Bar Number: 47776

4. 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 Act.
5. The Stipulations are incorporated by reference as Findings of Fact to the extent necessary to give effect to the provisions of this Order.

**CONCLUSIONS OF LAW**

The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

1. That Complainant's Motion is hereby **GRANTED**; and
2. That Respondent's Motion is hereby **GRANTED**. Respondent shall pay the penalty of \$2,000.00 in the manner set forth in Complainant's Motion.

This 26th day of September, 2017.

  
\_\_\_\_\_  
R. Joyce Garrett  
Administrative Law Judge

**CONSENTED TO:**

**For Complainant**

\_\_\_\_\_  
Larissa S. Williamson, Special Deputy Attorney General  
North Carolina Department of Justice  
North Carolina Bar Number: 31504

**For Respondent**

\_\_\_\_\_  
Eva Gullick Frongello, Attorney at Law  
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.  
North Carolina Bar Number: 47776

**CERTIFICATE OF SERVICE**

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

EVA GULLICK FRONGELLO  
SMITH ANDERSON  
P.O. BOX 2611  
RALEIGH, NC 27602-2611

LARISSA S. 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 9 DAY OF October 2017.

ARLENE K. EDWARDS  
CHAIRMAN

  
\_\_\_\_\_  
Karissa B. Sluss

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