

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

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

Complainant,

v.

**DENISE SMITH dba THE GIRLS COMPANY
and its successors**

Respondent.

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DOCKET NO: 2017-5972

INSPECTION NO: 318109816

CSHO ID: # G4941

ORDER

FILED

FEB 25 2020

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 February 18, 2020, at 10:30 A.M. pursuant to a Notice of Hearing. Melissa H. Taylor, Special Deputy Attorney General, North Carolina Department of Justice, Raleigh, North Carolina, appeared by teleconference for Complainant. Travis W. Vance, Attorney, Fisher & Phillips LLP, Charlotte, North Carolina, appeared by teleconference for 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. The Complainant as Commissioner of Labor of the State of North Carolina is charged by law with compliance with 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"). The Review Commission has jurisdiction over the parties and the subject matter to this action.
2. Respondent is a sole proprietorship, existing under the laws of the State of North Carolina, which does business in the State of North Carolina and maintains a place of business in North Carolina. Respondent provides services relating to the production of plastic and foam products for commercial customers. Respondent is an "employer" as defined by N.C.G.S. Section 95-127(11) and it maintains employees as defined by N.C.G.S. Section 95-127(10).
3. During the period between June 20, 2017 and October 11, 2017, Compliance Safety and Health Officer Joe Harrill, and Harjett Singh, Compliance Safety and Health Officer in Training, employed by the North Carolina Department of Labor, conducted an inspection at Respondent's customer site in Yadkinville, North Carolina (the "Inspection").

4. As a result of the Inspection, on October 13, 2017, Complainant issued the following Citation and Notification of Penalty (herein referred to collectively as the "Original Citation"):

CITATION 01 (Serious)

<u>Item No.</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
001	29 CFR 1910.147(c)(1)	11/8/2017	\$2,100.00
002	29 CFR 1910.212(a)(1)	11/8/2017	\$2,800.00.

5. The Respondent submitted a timely Notice of Contest on or about November 16, 2017.

6. A Hearing in this matter was scheduled pursuant to the Rules of Procedure of the Safety and Health Review Commission of North Carolina (the "Rules").

7. Respondent and Complainant waive the presence of a court reporter at the Hearing and the making of a transcript of the Hearing. 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.

8. Respondent posted the Original Citation and the Hearing Order as required by the Rules. Neither Complainant nor Respondent have received notification from any affected employee that such employee, or its representative, wishes to have a say in, or participate as a party in, this matter, or has any objections in connection with this matter including without limitation objection to the reasonableness of any abatement period.

9. The parties agree to bear their own attorney's fees, costs and other expenses that have been incurred in connection with any stage of these proceedings.

10. Respondent agrees to continue to use its best efforts to comply with the requirements of the Act. Further :

- Respondent will pay the penalty of \$2,100.00 assessed in this matter for Citation 01 Item 001 within 30 days of the date of this Final Order [payment is to be by check payable to North Carolina Department of Labor, OSHA Division (identifying Inspection No. 318109816) and mailed to Budget-Collections, North Carolina Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101].

11. Complainant and Respondent agree that provided the respective Motion of each party is granted, and subject to this Order becoming a Final Order in accordance with the provisions of the following paragraph (a) there are no other matters that remain to be decided, and that other than a ruling with respect to the Motions no outstanding issues remain to be resolved by an evidentiary hearing of this matter; (b) the Final Order is a full and final resolution of the claims

set out in the underlying Original Citation, as amended pursuant to Complainant's Motion; (c) the modification of any portion of the Original Citation by Complainant shall not be deemed to be an admission by Complainant that any such portion was alleged without merit, (d) none of the agreements, statements, stipulations and actions taken by Respondent shall be deemed an admission by the Respondent of any of the allegations contained in the Original Citation as amended or waiver of defenses; provided however that in any subsequent proceeding with respect to matters covered by the Final Order brought directly under the Occupational Safety and Health Act of North Carolina (hereinafter referred to as the "Act") by Complainant, the Final Order shall have the full force and effect of a final order; and (e) the agreements, statements, stipulations and actions herein by Complainant and by Respondent are solely for the purpose of resolving this matter economically and amicably without further litigation and shall not be used for any other purpose except for proceedings and matters arising under the Act and Article 21, Chapter 95 of the North Carolina General Statutes; and (f) there has been no employee objection to the reasonableness of any abatement period.

This Order shall be filed by the Review Commission but shall be a conditional order subject to the terms of this Paragraph. Respondent and Complainant agree as follows:

(A) With respect to Items 001 and 002 of the Original Citation, as soon as feasible after the date of this Order:

(i) Respondent will deliver to Complainant, in a form reasonably acceptable to Complainant, documentation evidencing abatement of each such item (collectively such documentation referred to herein as "Abatement Documentation");

(ii) Complainant shall review the Abatement Documentation for purposes of verifying abatement; and

(iii) Abatement Documentation submission by Respondent and review by Complainant shall be completed no later than May 18, 2020 ("Confirmation Date").

(B) On or before the Confirmation Date, Complainant shall file with the Review Commission a notice acknowledging its acceptance of the Abatement Documentation (the "Notice of Abatement Acceptance") or its non-acceptance of the Abatement Documentation (the "Notice of Abatement Non-Acceptance").

(C) In the event Complainant files a Notice of Abatement Non-Acceptance this Order will automatically become null and void, and the case will be scheduled for an evidentiary Hearing as soon thereafter as possible.

(D) In the event Complainant files a Notice of Abatement Acceptance the following shall occur:

(i) such Notice of Abatement Acceptance shall be affixed as Schedule 1 to this Order;

(ii) this Order with Schedule 1 attached shall automatically become a final order (the "Final Order"); and

(iii) the effective date of the Final Order shall be the date it is filed by the Review Commission.

MOTIONS

Complainant moved to make the following amendment to the Original Citation (“Complainant’s Motion”): **Amend Citation 01 by deleting Item 002 in its entirety; Citation 01 Item 001 remains as cited with a penalty of \$2,100.**

Respondent did not object to Complainant’s Motion.

Respondent requested that upon the granting of Complainant’s Motion that the Undersigned consider the following motion by the Respondent (“Respondent’s Motion”):

to withdraw Respondent’s Notice of Contest to the Original Citation as amended pursuant to Complainant’s Motion set forth above.

Complainant did not object to Respondent’s Motion.

FINDINGS OF FACT

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

1. This Court has jurisdiction over the parties and the subject matter of this Hearing.
2. Respondent is subject to the provisions of the Act and jurisdiction of the Safety and Health Review Commission of North Carolina.
3. Neither party has any objection, procedural or otherwise, to this Hearing.
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.

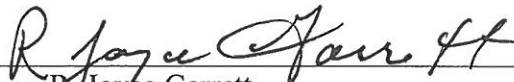
CONCLUSIONS OF LAW

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**;
2. That Respondent's Motion is hereby **GRANTED**;

This 18th day of February, 2020.



R. Joyce Garrett
Administrative Law Judge

CONSENTED TO:

For Complainant

Melissa H. Taylor, Special Deputy Attorney General
North Carolina Department of Justice, Raleigh, North Carolina

For Respondent

Travis W. Vance
Fisher & Phillips LLP
Charlotte, North Carolina

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**;
2. That Respondent's Motion is hereby **GRANTED**;

This 18th day of February, 2020.


R. Joyce Garrett
Administrative Law Judge

CONSENTED TO:

For Complainant

Melissa H. Taylor, Special Deputy Attorney General
North Carolina Department of Justice, Raleigh, North Carolina

For Respondent


Travis W. Vance
Fisher & Phillips LLP
Charlotte, North Carolina

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:

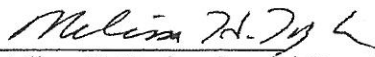
1. That Complainant's Motion is hereby **GRANTED**;
2. That Respondent's Motion is hereby **GRANTED**;

This 18th day of February, 2020.

R. Joyce Garrett
Administrative Law Judge

CONSENTED TO:

For Complainant


Melissa H. Taylor, Special Deputy Attorney General
North Carolina Department of Justice, Raleigh, North Carolina

For Respondent

Travis W. Vance
Fisher & Phillips LLP
Charlotte, North Carolina

CERTIFICATE OF SERVICE

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

TRAVIS W. VANCE
FISHER & PHILLIPS, LLP
PO BOX 36775
CHARLOTTE, NC 28236

By depositing same in the United States Mail, Certified Mail, Return Receipt Requested, postage prepaid at Raleigh, North Carolina, and upon:


MELISSA TAYLOR
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, postage prepaid at Raleigh, North Carolina, and upon:

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 26 DAY OF February 2020.



Karissa B. Sluss
Docket and Office Administrator
NC OSH Review Commission
1101 Mail Service Center
Raleigh, NC 27699-1101
TEL.: (919) 733-3589
FAX: (919) 733-3020

MAY 11 2020


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

COMMISSIONER OF LABOR FOR)	DOCKET NO: 2017-5973
THE STATE OF NORTH CAROLINA)	
)	INSPECTION NO: 318109857
Complainant,)	
)	CSHO ID: # G4941
v.)	
HIBCO PLASTICS, INC.)	<u>MODIFICATION OF ORDER</u>
and its successors)	<u>DATED FEBRUARY 18, 2020</u>
)	
Respondent.)	

AN ORDER dated February 18, 2020 was entered in this matter and filed with the Review Commission (the "Order"). Due to work delays caused by the COVID-19 pandemic, and upon request of Respondent consented to by Complainant, the Order is hereby modified by changing the Confirmation Date specified in the Order from May 18, 2020 to June 5, 2020.

Except as expressly set forth in this Modification Of Order Dated February 18, 2020, the Order shall remain unmodified or amended.

Effective this 5th day of May, 2020.



 R. Joyoe Garrett
 Administrative Law Judge

CERTIFICATE OF SERVICE

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

TRAVIS W. VANCE
FISHER & PHILLIPS, LLP
227 WEST TRADE ST., STE 2020
CHARLOTTE, NC 28202

By depositing same in the United States Mail, First Class, postage prepaid at Raleigh, North Carolina, and upon:

MELISSA TAYLOR
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, postage prepaid at Raleigh, North Carolina, and upon:

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 15 DAY OF May 2020.



Karissa B. Sluss
Docket and Office Administrator
NC OSH Review Commission
1101 Mail Service Center
Raleigh, NC 27699-1101
TEL.: (919) 733-3589
FAX: (919) 733-3020

FILED

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

JUN 15 2020

*NC Occupational & Safety
Review Commission*

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

DOCKET NO: 2017-5972

Complainant,

INSPECTION NO: 318109816

v.

CSHO ID: # G4941

**DENISE SMITH dba THE GIRLS COMPANY
and its successors**

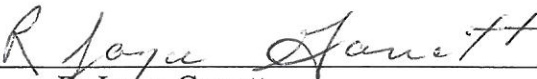
**SECOND MODIFICATION
OF ORDER DATED
FEBRUARY 18, 2020**

Respondent.

AN ORDER dated February 18, 2020 was entered in this matter and filed with the Review Commission (the "Order"). Due to work delays caused by the COVID-19 pandemic, and upon request of Respondent consented to by Complainant, the Order was modified by Modification Of Order Dated February 18, 2020 ("First Modification"), and is hereby further modified by changing the Confirmation Date specified in the First Modification from June 5, 2020 to June 26, 2020.

Except as expressly set forth in this Second Modification Of Order Dated February 18, 2020, the Order and First Modification shall remain unmodified or amended.

Effective this 5th day of June, 2020.



R. Joyce Garrett
Administrative Law Judge

CERTIFICATE OF SERVICE

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

TRAVIS W. VANCE
FISHER & PHILLIPS, LLP
227 West Trade St., STE 2020
Charlotte, NC 28202

By depositing a copy of the same in the United States Mail, Certified Mail, Return Receipt Requested, postage prepaid at Raleigh, North Carolina, and upon:

MELISSA TAYLOR
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, postage prepaid at Raleigh, North Carolina, and upon:

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 17 DAY OF June 2019.

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

FILED

JUN 23 2020

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

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

Complainant,

v.

**DENISE SMITH dba THE GIRLS COMPANY
and its successors**

Respondent.

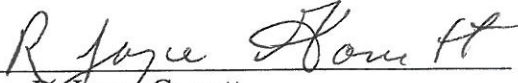
) **DOCKET NO: 2017-5972**
)
) **INSPECTION NO: 318109816**
)
) **CSHO ID: # G4941**

) **THIRD MODIFICATION**
) **OF ORDER DATED**
) **FEBRUARY 18, 2020**

AN ORDER dated February 18, 2020 was entered in this matter and filed with the Review Commission (the "Order"). Due to work delays caused by the COVID-19 pandemic, and upon request of Respondent consented to by Complainant, the Order was modified by Modification Of Order Dated February 18, 2020 ("First Modification") and by Second Modification Of Order Dated February 18, 2020 ("Second Modification"). Due to continued delays and disruption to work schedule, upon joint request of Complainant and Respondent the Order as amended by First Modification and Second Modification, is hereby further modified by changing the Confirmation Date specified in the Second Modification from June 26, 2020 to July 27, 2020.

Except as expressly set forth in this Third Modification Of Order Dated February 18, 2020, the Order as amended by the First Modification and Second Modification shall remain unmodified or amended.

Effective this 23rd day of June, 2020.



R. Joyce Garrett
Administrative Law Judge

CERTIFICATE OF SERVICE

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

TRAVIS W. VANCE
FISHER & PHILLIPS, LLP
227 W TRADE ST
STE 2020
CHARLOTTE NC 28202

By depositing same in the United States Mail, Certified Mail, Return Receipt Requested, postage prepaid at Raleigh, North Carolina, and upon:

MELISSA TAYLOR
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, postage prepaid at Raleigh, North Carolina, and upon:

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 20 DAY OF July 2020.



Karissa B. Sluss
Docket and Office Administrator
NC OSH Review Commission
1101 Mail Service Center
Raleigh, NC 27699-1101
TEL.: (919) 733-3589
FAX: (919) 733-3020

FILED

JUL 27 2020

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

COMMISSIONER OF LABOR FOR
THE STATE OF NORTH CAROLINA

Complainant,

v.

DENISE SMITH dba THE GIRLS COMPANY
and its successors

Respondent.

) DOCKET NO: 2017-5972

) INSPECTION NO: 318109816

) CSHO ID: # G4941

) FOURTH MODIFICATION
) OF ORDER DATED
) FEBRUARY 18, 2020

AN ORDER dated February 18, 2020 was entered in this matter and filed with the Review Commission (the "Order"). Due to work delays caused by the COVID-19 pandemic, and upon request of Respondent and Complainant, the Order was modified by Modification Of Order Dated February 18, 2020 ("First Modification"), by Second Modification Of Order Dated February 18, 2020 ("Second Modification"), and by Third Modification of Order Dated February 18, 2020 ("Third Modification"). Due to continued delays and disruption to work schedule, upon joint request of Complainant and Respondent the Order as amended by First Modification, Second Modification and Third Modification, is hereby further modified by changing the Confirmation Date specified in the Third Modification from July 27, 2020 to September 9, 2020.

Except as expressly set forth in this Fourth Modification Of Order Dated February 18, 2020, the Order as amended by the First Modification, Second Modification, and Third Modification shall remain unmodified or amended.

Effective this 27th day of July, 2020.

R. Joyce Garrett
Administrative Law Judge

FILED

JUL 27 2020

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

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

Complainant,

v.

**DENISE SMITH dba THE GIRLS COMPANY
and its successors**

Respondent.

DOCKET NO: 2017-5972

INSPECTION NO: 318109816

CSHO ID: # G4941

**FOURTH MODIFICATION
OF ORDER DATED
FEBRUARY 18, 2020**

AN ORDER dated February 18, 2020 was entered in this matter and filed with the Review Commission (the "Order"). Due to work delays caused by the COVID-19 pandemic, and upon request of Respondent and Complainant, the Order was modified by Modification Of Order Dated February 18, 2020 ("First Modification"), by Second Modification Of Order Dated February 18, 2020 ("Second Modification"), and by Third Modification of Order Dated February 18, 2020 ("Third Modification"). Due to continued delays and disruption to work schedule, upon joint request of Complainant and Respondent the Order as amended by First Modification, Second Modification and Third Modification, is hereby further modified by changing the Confirmation Date specified in the Third Modification from July 27, 2020 to September 9, 2020.

Except as expressly set forth in this Fourth Modification Of Order Dated February 18, 2020, the Order as amended by the First Modification, Second Modification, and Third Modification shall remain unmodified or amended.

Effective this 27th day of July, 2020.

R. Joyce Garrett
Administrative Law Judge

CERTIFICATE OF SERVICE

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

TRAVIS VANCE
FISHER PHILLIPS
227 WEST TRADE ST
STE 2020
CHARLOTTE, NC 28202

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

MELISSA TAYLOR
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, postage prepaid at Raleigh, North Carolina, and upon:

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 July 2020.



Karissa B. Sluss
Docket and Office Administrator
NC OSH Review Commission
1101 Mail Service Center
Raleigh, NC 27699-1101
TEL.: (919) 733-3589
FAX: (919) 733-3020

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

COMMISSIONER OF LABOR FOR
THE STATE OF NORTH CAROLINA

Complainant,

v.

DENISE SMITH dba THE GIRLS COMPANY
and its successors

Respondent.

) DOCKET NO: 2017-5972

) INSPECTION NO: 318109816

) CSHO ID: # G4941

) FIFTH MODIFICATION
) OF ORDER DATED
) FEBRUARY 18, 2020


09 - 6 2020

Occupational & Safety
Commission

AN ORDER dated February 18, 2020 was entered in this matter and filed with the Review Commission (the "Order"). Due to work delays caused by the COVID-19 pandemic, and upon request of Respondent and Complainant, the Order was modified by Modification Of Order Dated February 18, 2020 ("First Modification"), by Second Modification Of Order Dated February 18, 2020 ("Second Modification"), by Third Modification of Order Dated February 18, 2020 ("Third Modification") and by Fourth Modification of Order Dated February 18, 2020 ("Fourth Modification"). Due to continued delays and disruption to work schedule, upon joint consent of Complainant and Respondent the Order, amended as set forth above, is hereby further modified by changing the Confirmation Date specified in the Fourth Modification from September 9, 2020 to November 19, 2020.

Except as expressly set forth in this Fifth Modification Of Order Dated February 18, 2020, the Order, amended as set forth above, shall remain unmodified or amended.

Effective this 9th day of September, 2020.



R. Joyce Garrett
Administrative Law Judge

CERTIFICATE OF SERVICE

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

TRAVIS W. VANCE
FISHER & PHILLIPS, LLP
227 WEST TRADE ST., STE. 2020
CHARLOTTE, NC 28202

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

MELISSA TAYLOR
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, postage prepaid at Raleigh, North Carolina, and upon:

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 2020.



Karissa B. Sluss
Docket and Office Administrator
NC OSH Review Commission
1101 Mail Service Center
Raleigh, NC 27699-1101
TEL.: (919) 733-3589
FAX: (919) 733-3020

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

COMMISSIONER OF LABOR FOR
THE STATE OF NORTH CAROLINA

Complainant,

v

DENISE SMITH d/b/s THE GIRLS
COMPANY
and its successors,
Respondent.

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OSHANC NO. 2017-5972
INSPECTION NO. 318109816
CSHO NO. G4941

NOTICE OF ABATEMENT
ACCEPTANCE

FILED

NOV 10 2020

NC Occupational & Safety

NOW COMES the Complainant, in the above-captioned action, pursuant to The Order filed February 25, 2020 and shows the Commission the following:

1. On November 9, 2020, Respondent provided Complainant completed Confirmation of Abatement forms for the citations issued in this case indicating the abatement that was done.
2. Complainant accepts the abatement of the citations issued in this case as stated on the Confirmation of Abatement forms.

This the 10th day of November, 2020.

RESPECTFULLY SUBMITTED,

JOSH STEIN
ATTORNEY GENERAL

/s/ Melissa H. Taylor /s/
Melissa H. Taylor
Special Deputy Attorney General
North Carolina Department of Justice
Post Office Box 629
Raleigh, NC 27602
Telephone No. (919) 716-6680

* * * * *

**NOTICE OF FILING
BY WAY OF ELECTRONIC MEANS**

Under current safety measures taken in light of the COVID 19 pandemic, it is impractical to gather original signatures on paper. Accordingly, the parties have agreed that all documents filed with the Review Commission in this proceeding by either party or both parties may be filed either in hard copy (with original and/or electronic signatures) or through electronic means, by circulating the document(s) and signature page(s) via email, fax and (or) pdf.

Electronically Submitted
/s/ Melissa H. Taylor /s/
Special Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF ABATEMENT**

ACCEPTANCE upon:

Travis W. Vance
Fisher & Phillips LLP
227 West Trade Street
Suite 2020
Charlotte, NC 28202

by depositing a copy of said document into the U.S. Mail, postage pre-paid within 30 days at Raleigh, North Carolina, and by email this day to

Vance, Travis (tvance@fisherphillips.com)

and by email to NCOSHRC@labor.nc.gov and U.S. Mail postage pre-paid within 30 days as follows:

North Carolina Occupational Safety and Health Review Commission
422 North Blount Street
Raleigh, North Carolina 27602

This the 10th day of November 2020.

/s/ Melissa H. Taylor /s/
Melissa H. Taylor
Special Deputy Attorney General