

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

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

**Complainant,**

**-vs-**

**MICRON PRECISION LLC DBA KING  
MACHINE OF NORTH CAROLINA  
*and its successors,***

**Respondent.**

) **DOCKET NO.: OSHANC 2019-6208**  
) **INSPECTION NUMBER:318165354**  
) **CSHO ID:K2333**

) **CONSENT ORDER**

) **FILED**

) **DEC 15 2022**

) **NC OSH Review Commission**

The parties having appeared before the undersigned for a duly-noticed hearing, and having informed the undersigned hearing officer that they have reached a resolution of the citations issued in this matter, and the undersigned having reviewed the citations, the documents filed by the parties, and the representations of counsel, now pursuant to Rule .0507 of the Rules of Procedure adopted by the North Carolina Occupational Safety and Health Review Commissions, the undersigned makes the following:

**FINDINGS OF FACT:**

1. Respondent is a limited liability company duly organized and existing under the laws of the State of North Carolina.
2. Between April 30, 2019 and May 15, 2019, Respondent maintained a worksite at 878 Firetower Road in Yanceyville, North Carolina.
3. During that time, Compliance Safety and Health Officer Altagracia Guzman, an Occupational Safety and Health Officer with the North Carolina Department of Labor, conducted an inspection of Respondent.

4. As a result of the inspection, on October 23, 2019, Complainant issued the following Citation(s):

**CITATION NUMBER ONE (WILLFUL SERIOUS)**

<u>ITEM NO.</u>	<u>STANDARD</u>	<u>ABATEMENT DATE</u>	<u>PENALTY</u>
1	29 CFR 1910.178(m)(2)	Corrected	\$56,000.00

**CITATION NUMBER TWO (SERIOUS)**

<u>ITEM NO.</u>	<u>STANDARD</u>	<u>ABATEMENT DATE</u>	<u>PENALTY</u>
1	1910.178(l)(3)(i)(M)	Corrected	\$5,600.00

**CITATION NUMBER THREE (NONSERIOUS)**

<u>ITEM NO.</u>	<u>STANDARD</u>	<u>ABATEMENT DATE</u>	<u>PENALTY</u>
1	29 CFR 1910.178(a)(4)	Corrected	\$1,200.00
2	29 CFR 1910.178(a)(5)	Corrected	\$1,200.00

5. The Respondent submitted a timely Notice of Contest dated December 4, 2019.

6. The N.C. Occupational Safety and Health Review Commission issued a Notice of Hearing in this matter on October 21, 2022.

7. The Respondent posted the Notice of Hearing in its workplace at least fifteen (15) days in advance of hearing, in a location that was accessible to its employees.

8. The parties have conferred and mutually agreed to resolve the Citation(s) upon the following terms, and seek the undersigned's approval of the same:

- a. Respondent agrees that the violations alleged in the Citation and Notification of Penalty, as amended below, have been abated, and agrees to continue to use its best efforts to comply with the requirements of the Occupational Safety and Health Act of North Carolina (hereinafter referred to as "the Act").

- b. Complainant agrees to make the following amendments to the Citation items:
- i. Reclassify Citation 1, Item 1 from Willful-Serious to Serious while retaining penalty of \$56,000.00;
  - ii. Reclassify Citation 2, Item 1 from Serious to Nonserious while retaining penalty of \$5,600.00;
  - iii. Delete the penalty from Citation Three, Items 1 and 2;
  - iv. The total penalty as amended shall be \$61,600.00; and
  - v. The penalty shall be payable in 24 monthly payments;
- c. Complainant and Respondent agree that provided this Order is entered (a) there are no other matters that remain to be decided, and that other than entering this Order no outstanding issues remain to be resolved by an evidentiary hearing of this matter; (b) this Order is a full and final resolution of the claim set out in the underlying Original Citation, as amended pursuant to Complainant's amendments above; (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 original 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 as a waiver of defenses; provided however that in any subsequent proceeding with respect to matters covered by this Order brought directly under the Act by Complainant, this Order shall have the full force and effect of a final order; (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.

- d. Without admitting any allegations of the Citation and Notice of Penalty, or waiving any defense to the Citation, Respondent agrees to the following:
    - i. Respondent agrees that it shall ensure that a supervisor or manager of the facility be responsible and accountable for enforcing the company's safety policies and ensuring compliance with all applicable standards including OSHA.
    - ii. Make payment by paying 24 equal monthly payments of \$2,566.67. Payment of this penalty is by check or money order payable to NC Department of Labor, OSHA Division and should include the inspection(s) in the memo line of the check. Send the payment directly to the Department of Labor at NC Department of Labor Budget & Management Division, Attn: Collections Division, 1101 Mail Service Center, Raleigh, NC 27699-1101. Respondent agrees that if two payments are missed without approval from NCDOL Budget Office, the penalty may be accelerated at NCDOL's discretion and the full balance may become due immediately.
  - e. Each party agrees to bear its own attorney's fees, costs and other expenses that have been incurred in connection with these proceedings.
  - f. There are no other outstanding matters to be addressed in this proceeding.
  - g. Neither party has received any notification from any employee indicating an intent to participate in or attend the hearing in this matter.
9. The foregoing terms are reasonable and supported by the underlying facts.
10. No outstanding issues remain to be resolved by a hearing of this matter.

**CONCLUSIONS OF LAW:**

- 1. 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.
- 2. This Court has jurisdiction over the parties and over the subject matter.
- 3. The parties' proposed resolution of this matter is consistent with the purpose and objectives of the Act.

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

- 1. The parties' agreement, as set out above, is approved.
- 2. The parties shall comply with the terms and conditions set out above.

3. The Respondent shall pay the penalty specified above in twenty-four (24) equal payments of \$2566.67, or until paid in full starting with the first payment in February 2023.

This the \_\_\_\_\_ day of December, 2022.

Dec 15, 2022

Mary-Ann Leon

Mary-Ann Leon (Dec 15, 2022 15:17 EST)

Mary Ann Leon  
Hearing Examiner

CONSENTED TO:

JOSHUA H. STEIN, Attorney General

Rory Agan

Rory Agan (Dec 15, 2022 15:11 EST)

By: Rory Agan  
Special Deputy Attorney General  
North Carolina Department of Justice  
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*Counsel for Complainant*

Stephen Parascandola

Stephen Parascandola (Dec 15, 2022 15:10 EST)

By: Stephen T. Parascandola  
Smith, Anderson, Blount  
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*Counsel for Respondent*

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

COMMISSIONER OF LABOR OF THE  
STATE OF NORTH CAROLINA,

Complainant,

-vs-

ONIN STAFFING LLC,  
*and its successors,*

Respondent.

) DOCKET NO.: OSHANC 2020-6314  
) INSPECTION NUMBER:318191038  
) CSHO ID: L4494

) CONSENT ORDER

**FILED**

**DEC 14 2022**

NC OSH Review Commission

The parties having appeared before the undersigned for a duly-noticed hearing, and having informed the undersigned hearing officer that they have reached a resolution of the citations issued in this matter, and the undersigned having reviewed the citations, the documents filed by the parties, and the representations of counsel, now pursuant to Rule .0507 of the Rules of Procedure adopted by the North Carolina Occupational Safety and Health Review Commissions, the undersigned makes the following:

FINDINGS OF FACT:

1. Respondent is a limited liability company duly organized and existing under the laws of the State of Alabama and authorized to do business in the State of North Carolina.
2. Starting around March 2, 2020, Respondent maintained a worksite at Colfax, North Carolina.
3. On March 3, 2020, Compliance Safety and Health Officer Kevin McGuire, an Occupational Safety and Health Officer with the North Carolina Department of Labor, conducted an inspection of Respondent's worksite at 100 Little Santee Road in Colfax, North Carolina.
4. As a result of the inspection, on July 16, 2020, Complainant issued the following Citation(s):

Citation	Item	Standard	Type	Penalty
1	1	95-129(01)	Serious	\$6,300.00

5. The Respondent submitted a timely Notice of Contest dated August 10, 2020.

6. The N.C. Occupational Safety and Health Review Commission issued a Notice of Hearing in this matter on October 21, 2022.

7. The Respondent posted the Notice of Hearing in its workplace at least fifteen (15) days in advance of hearing, in a location that was accessible to its employees.

8. The parties have conferred and mutually agreed to resolve the Citation(s) upon the following terms, and seek the undersigned's approval of the same:

- a. Respondent agrees that the violations alleged in the Citation and Notification of Penalty, as amended below, have been abated, and agrees to continue to use its best efforts to comply with the requirements of the Occupational Safety and Health Act of North Carolina (hereinafter referred to as "the Act").
- b. Complainant agrees to make the following amendments to the Citation items:
  - i. Change the standard cited for Citation 1, Item 1 to 1910.132(d)(1);
  - ii. Reclassify the amended citation to Non-Serious;
  - iii. Amend the penalty for the amended citation to \$5500.00.
- c. The parties agree that this Consent Order is a full and final settlement of the claims set out in the underlying Citation and Notification of Penalty, and none of the foregoing agreements, statements, stipulations and actions taken by the Respondent shall be deemed an admission by the Respondent of any of the allegations contained in the Citation and Notification of Penalty or waiver of defenses; provided, however, that in any subsequent proceeding with respect to matters covered by this Consent Order brought directly under the Act by Complainant, this Order shall have the full force and effect of a final order. The

agreements, statements, stipulations and actions herein are made solely for the purpose of settling 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 Occupational Safety and Health Act and Article 21, Chapter 95 of the North Carolina General Statutes.

- d. Each party agrees to bear its own attorney's fees, costs and other expenses that have been incurred in connection with these proceedings.
  - e. There are no other outstanding matters to be addressed in this proceeding.
  - f. Neither party has received any notification from any employee indicating an intent to participate in or attend the hearing in this matter.
9. The foregoing terms are reasonable and supported by the underlying facts.
10. No outstanding issues remain to be resolved by a hearing of this matter.

Based on the foregoing, the undersigned makes the following

CONCLUSIONS OF LAW

- 1. This Court has jurisdiction over the parties and over the subject matter.
- 2. The parties' proposed resolution of this matter is consistent with the purpose and objectives of the Act.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

- 1. The parties' agreement, as set out above, is approved.
- 2. The parties shall comply with the terms and conditions set out above.
- 3. The Respondent shall pay the penalty specified above within 30 days of this

Consent Order.

This the 14 day of December, 2022.

Laura J Wetsch,  
Hearing Examiner

Digitally signed by Laura J Wetsch, Hearing Examiner  
DN: cn=Laura J Wetsch, Hearing Examiner, o=NC OSH Review Commission, ou, email=lwetsch@winflow-wetsch.com, c=US  
Date: 2022.12.14 14:45:16 -0500

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Hearing Examiner



CONSENTED TO:

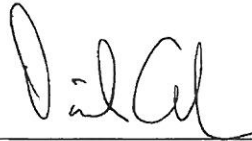
JOSHUA H. STEIN, Attorney General

**Rory  
Agan**

Digitally signed by  
Rory Agan  
Foxit PhantomPDF  
Version: 9.7.5

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By: Rory Agan  
Special Deputy Attorney General  
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*Counsel for Complainant*



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By: David Anderson  
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The Anderson Law Firm  
4309 Yoakum  
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Tel. 713-521-6563  
Email: danderson@lodna.net  
*Counsel for Respondent*

CERTIFICATE OF SERVICE

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

DAVID ANDERSON  
THE ANDERSON LAW FIRM  
4309 YOAKUM  
HOUSTON, TX 77006

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

RORY AGAN  
NC DEPARTMENT OF JUSTICE  
LABOR SECTION  
PO 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

via email to [carla.rose@labor.nc.gov](mailto:carla.rose@labor.nc.gov).

THIS THE 21 DAY OF December 2022.

  
\_\_\_\_\_  
Karissa B. Sluss  
Docket and Office Administrator  
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