

BEFORE THE NORTH CAROLINA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION^{NC} OSH Review Commission
RALEIGH, NORTH CAROLINA

COMMISSIONER OF LABOR OF THE
STATE OF NORTH CAROLINA

COMPLAINANT,

v.

CAROLINA PRECISION TECHNOLOGIES,
LLC
and its successors

RESPONDENT.

DOCKET NO.: OSHANC 2023-6534
INSPECTION NO.: 318256732
CSHO ID: A2132

CONSENT
ORDER

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 citation issued in this matter, and the undersigned having reviewed the citation, 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 Commission, the undersigned makes the following:

FINDINGS OF FACT

1. Respondent is a corporation duly organized and existing under the laws of the State of North Carolina and maintains a place of business in Mooresville, North Carolina.
2. Complainant is an agency of the State of North Carolina charged by law with the administration and enforcement of the provisions of the North Carolina Occupational Safety and Health Act.
3. On December 12, 2022, Compliance Safety and Health Officer George Thrower, an Occupational Safety and Health Officer with the North Carolina Department of Labor,

inspected Respondent's worksite located at 1055 Gateway Drive, Mooresville, North Carolina.

4. As a result of the inspection, on February 9, 2023, Complainant issued the following citation carrying the following proposed abatement date and penalty:

CITATION NUMBER ONE (Serious)

<u>Item No.</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
1	29 CFR 1910.147(c)(4)(i)	Immed. Upon Receipt	\$8,701.20
2	29 CFR 1910.147(c)(7)(i)(A)	Immed. Upon Receipt	\$8,701.20

5. The Respondent submitted a timely Notice of Contest, March 9, 2023.
6. On September 25, 2024, the Commission issued a Notice of Hearing in this matter, and Respondent confirms that Respondent has posted the Notice in Respondent's workplace in at least one location where all affected employees had an opportunity to read it, and informed these employees of their right to participate as a party in this matter by sending a written request prior to commencement of the hearing to the Safety and Health Review Commission of North Carolina, 1101 Mail Service Center, Raleigh, NC 27699-1101.
7. Neither party has any objection, procedural or otherwise, to this Hearing.
8. Neither party has received notice that any employee intends to participate in this matter as a party, nor has the Commission received any document from an employee indicating such intent.
9. The parties have mutually agreed to resolve the Citation upon the following terms, and seek the undersigned's approval of the same:
 - a. Respondent confirms that the violation alleged in the Citation and Notification of Penalty has been abated and agrees to continue 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 item:
 - i. Delete Citation 1, Item 1 and the associated penalty;
 - ii. Keep Citation 1, Item 2 as issued.
- c. Respondent withdraws its Notice of Contest and agrees to:
 - i. Within 60 calendar days of signing the agreement, the employer will train/retrain all employees who conduct adjustments to the guide bushings of the Citizen Cincom lathes on the procedure to safely conduct the adjustments.
 - ii. Within 60 calendar days of signing the agreement, the employer will develop and implement, if it has not already done so, a LOTO specific procedure for servicing and maintenance of the Citizen Cincom lathes. For clarification purposes, this "service and maintenance" does not apply to the operating procedures that do not require a LOTO of the Citizen Cincom lathes.
- d. Each party agrees to bear its own attorney's fees, costs and other expenses that have been incurred in connection with any stage of these proceedings up to and including the filing of this Consent Order.
- e. The Respondent agrees to pay the settlement amount of \$8,701.20 within ten (10) days following the receipt of this Consent Order.
- f. 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 Agreement 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.

g. Neither party is aware of outstanding matters to be resolved by a hearing of this matter.

10. The foregoing terms are reasonable and supported by the underlying facts.

11. 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 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.

This the 11 day of December, 2024.

Signature: Richard M. Koch
Richard M. Koch (Dec 11, 2024 14:20 EST)

Email: lawoffice@richardkochlaw.com

RICHARD KOCH
Hearing Examiner

CONSENTED TO:

JOSHUA H. STEIN
Attorney General

Signature: Madison Beveridge
Madison Beveridge (Dec 11, 2024 14:19 EST)

Email: mbeveridge@ncdoj.gov

Madison L. Beveridge
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ATTORNEYS FOR COMPLAINANT

Signature: Greg Ahlum
Greg Ahlum (Dec 11, 2024 14:14 EST)

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1065 East Morehead Street
Charlotte, North Carolina 28204
Telephone No. (704) 998-2319
gahlum@jahlaw.com

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

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

**GREG C. AHLUM
JOHNSTON ALLISON HORD
1065 EAST MOREHEAD ST.
CHARLOTTE, NC 28204**

By depositing a copy of the same in the United States Mail, by certified mail, return receipt requested, postage prepaid at Raleigh, North Carolina, and upon:

**MADISON BEVERIDGE
NC DEPARTMENT OF JUSTICE
LABOR SECTION
PO BOX 629
RALEIGH NC 27602**

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.

THIS THE 8 DAY OF January 2025.

**PAUL E. SMITH
CHAIRMAN**



**Karissa B. Sluss
Docket Administrator
NC Occupational Safety &
Health Review Commission
1101 Mail Service Center
Raleigh, NC 27699-1101
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