

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

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

**COMPLAINANT,**

**v.**

**REVELLE BUILDERS OF NC, INC.  
*and its successors***

**RESPONDENT.**

) **DOCKET NO.: OSHANC 2023-6579**  
) **INSPECTION NUMBER: 318261138**  
) **CSHO ID: X9104**

) **CONSENT ORDER**

) **FILED**

) **FEB 8 2024**

) **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 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 does business as Revelle Builders of NC, Inc., in the State of North Carolina.
2. Respondent is a general contractor and specializes in commercial construction.
3. Respondent maintains a place of business at 401 W. Broad Street, Murfreesboro, NC, 27855.
4. Respondent is subject to the provisions of the North Carolina Occupational Safety and Health Act ("the Act") and jurisdiction of the Safety and Health Review Commission of North Carolina.

5. Complainant is an agency of the State of North Carolina charged by law with the administration and enforcement of the provisions of the Act.
6. This Court has jurisdiction over the parties and the subject matter of this action.
7. On and between February 7, 2023, and August 1, 2023, Mr. Sheldon Joseph, a Compliance Safety and Health Officer with the North Carolina Department of Labor, conducted an inspection of Respondent's worksite located at 1000 N. Road St, Elizabeth City, North Carolina.
8. As a result of the inspection, on August 4, 2023, Complainant issued one citation against Respondent, which was termed Serious and carried 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 1926.501(b)(4)(i)	Immediately upon receipt	\$4,687.50

9. The Respondent submitted a timely Notice of Contest, on September 15, 2023.
10. A hearing in this matter was scheduled pursuant to the Rules of Procedure of the Occupational Safety and Health Review Commission of North Carolina ("the Rules").
11. Neither party has any objection, procedural or otherwise, to the hearing and entry of this Consent Order.
12. Respondent posted the Notice of Hearing as required by the Rules.
13. 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.

14. 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 original Citation and Notification of Penalty has been abated and agrees to continue its best efforts to comply with the requirements of the Act. Respondent will require its subcontractors to conduct safety training as necessary to ensure that all employees are adequately trained in the recognition and avoidance of hazards associated with falls from elevation and working around skylights.
- b. Complainant agrees to make the following amendment to the Citation item:
  - i. Reclassify Citation One, Item 1 from serious to non-serious.
- c. Without admitting any allegations of the Citation and Notification of Penalty, or waiving any defense to the Citation, Respondent withdraws its Notice of Contest.
- 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. Respondent agrees to pay the total penalty of **\$4,687.50** (payment is to be made by check payable to "North Carolina Department of Labor, OSHA Division", Identifying Inspection No. 318261138 on the check, and mailed to North Carolina Department of Labor Financial Services Division, ATTN: Collections Division, 1101 Mail Service Center Raleigh, North Carolina 27699-1101) **within thirty (30) days 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.

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

16. 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;
3. The citation issued Respondent shall be reclassified to Non-Serious; and
4. The Respondent shall pay the penalty of \$4,687.50 within thirty (30) days of this Consent Order.

This the 7th day of February, 2024.

MaryAnn Leon

MaryAnn Leon (Feb 8, 2024 10:00 CST)

MARY-ANN LEON

Hearing Examiner

**CONSENTED TO:**

JOSHUA H. STEIN  
Attorney General

Allison C. Hawkins

Allison C. Hawkins (Feb 7, 2024 11:34 EST)

Allison C. Hawkins (NC Bar 53490)  
Assistant Attorney General  
North Carolina Department of Justice  
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ATTORNEYS FOR COMPLAINANT

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Denise L Bessellieu (NC Bar 42689)  
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Anthony J. Rash

Anthony J. Rash (Feb 7, 2024 11:21 EST)

Anthony J. Rash, *Appearing Pro Hac Vice*  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place – Suite 400  
Pittsburgh, PA 15222  
Tele. No. (412) 392-5389  
arash@dmclaw.com

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

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

ANTHONY J. RASH  
DICKIE, MCCAMEY & CHILCOTE, PC  
TWO PPG PLACE, SUITE 400  
PITTSBURGH, PA 15222-5402

ALLISON HAWKINS  
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  
carla.rose@labor.nc.gov

via email.

THIS THE 9 DAY OF February 2024.



Karissa B. Stuss  
Docket Administrator  
NC Occupational Safety & Health Review Commission  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
TEL.: (919) 733-3589  
NCOSHRC@labor.nc.gov