

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

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

COMPLAINANT,

v.

**ENGINEERED PRODUCTS AND
SERVICES, INC.
*and its successors***

RESPONDENT.

) **DOCKET NO.: OSHANC 2023-6597**
) **INSPECTION NUMBER: 318269545**
) **CSHO ID: S3158**

CONSENT ORDER

FILED

APR 4 2025

NC OSH Review Commission

THIS CAUSE came on for a hearing before the undersigned, Richard Koch, Hearing Examiner for the North Carolina Occupational Safety and Health Review Commission pursuant to the Notice of Hearing (“Hearing Notice”) at 10:00 a.m. on April 3, 2025, via Lifesize teleconferencing platform. Sage A. Boyd, Assistant Attorney General, North Carolina Department of Justice, Raleigh, North Carolina, appeared as counsel for the Complainant. Armen Sarajian, Owner and President of Respondent’s parent company, Amtraco American Trading Companies, LLC (“Amtraco”) appeared as Representative for Respondent.

This Hearing commenced as an evidentiary hearing. During a recess at the hearing, the parties discussed potential settlement resolution outside the presence of the Hearing Examiner. Following that discussion, Complainant and Respondent notified the Hearing Examiner that the parties had agreed upon settlement terms and wished for those terms to be entered in Consent Order by the Hearing Examiner during the hearing. Complainant and Respondent agreed upon certain (“Stipulations”) and wished to make certain (“Motions”). Complainant and Respondent

requested that the Stipulations and Motions be made part of the Hearing record and that the Undersigned issue a Consent Order.

The Stipulations and Motions are as follows:

STIPULATIONS

1. Respondent, Engineered Products and Services, Inc., is a Wisconsin corporation that is not currently active to do business in the State of North Carolina with the North Carolina Secretary of State's Office.
2. Respondent maintains a principal office at 4221 Courtney Road, Franksville, Wisconsin.
3. Respondent is owned by Amtraco American Trading Companies, LLC ("Amtraco").
4. Amtraco a Wisconsin limited liability company that maintains a principal office at 4221 Courtney Road, Franksville, Wisconsin.
5. At the time of the inspection and at the time of citation issuance, Respondent maintained a facility located 3976 US 64 74A Highway in Rutherfordton, North Carolina (hereafter "Respondent's Rutherfordton facility").
6. On and between July 11, 2023 and July 20, 2023, Mr. Michael Greer, an Occupational Safety and Health District Supervisor with the North Carolina Department of Labor, conducted an inspection of Respondent's Rutherfordton facility.
7. At the time of the inspection, Respondent was in the business of, among other things, manufacturing to include metal finishing manufacturing and lean manufacturing to improve return on investment, case flow, and operational efficiencies through custom tooling, design, and fabrication solutions, serving the automotive, heavy duty, agriculture, aerospace, plumbing, and other industries (hereafter "business activity"), at Respondent's Rutherfordton facility.
8. As a result of the inspection, on August 16, 2023, Complainant issued the following citations, carrying the following proposed abatement dates and penalties:

CITATION NUMBER ONE (Serious)

<u>Item</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
1	29 CFR 1910.147(c)(6)(i)	Immediately upon receipt	\$4,000.00
2	29 CFR 1910.212(a)(1)	Immediately upon receipt	\$7,812.50
			TOTAL: \$11,812.50

9. Respondent’s representative, Mr. Mike Lloyd, Health Safety & Environment (HSE) Manager for Amtraco, submitted a timely Notice of Contest, dated October 24, 2023.

10. Subsequently, Respondent’s Rutherfordton facility closed.

11. At present, Respondent does not operate a facility in the State of North Carolina.

12. At present, Amtraco does not operate a facility in the State of North Carolina.

13. The Hearing in this matter was scheduled pursuant to Rules of Procedure of the Safety and Health Review Commission of North Carolina (the “Rules”).

14. Complainant and Respondent have no objection, either procedural or otherwise, to this Hearing; waive the making of a transcript; and consent to the conduct of this Hearing by the Undersigned and consent to entry of this Order.

15. Respondent confirms that the Original Citation and the Hearing Notice have been posted as required by the Rules.

16. 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.

17. Respondent confirms that all violations alleged in the Original Citation have been abated. Complainant confirms that no additional documentation of abatement is required from Respondent.

18. Respondent further agrees that prior to engaging in or resuming business activity in the State of North Carolina, Respondent shall:

a. Develop and maintain an effective and comprehensive safety and health program.

As part of the safety and health program, Respondent will conduct job hazard analyses of all tasks that might expose workers to hazards. Respondent will revise existing safety and health programs to thoroughly address issues resulting from this inspection. This will specifically include lockout/tagout, electrical, machine guarding, personal protective equipment, hazard communication and other programs as required by 29 CFR 1910; and

b. Develop and implement specific methods to ensure employees have been adequately and effectively trained in the anticipation, recognition and control of hazards associated with their work environment. Conduct safety training and implement procedures for periodic retraining as needed. This training will include machine guarding, lockout tagout, personal protective equipment, forklifts, hand and power tools, electrical safety, fire prevention, hazard communication, and others as required by 29 CFR 1910.

19. Respondent agrees to pay the new total penalty of **\$5,906.00** in six (6) monthly installments with the first installment of \$1,000.00 (first installment) due and payable on the first business day of the month immediately following entry of this Consent Order. All subsequent installments of \$1,000.00 (second installment), \$1,000.00 (third installment), \$1,000.00 (fourth installment, \$1,000.00 (fifth installment), and \$906.00 (sixth installment) shall be due and payable the first business day of each month following payment of the first installment. In no event shall the payment term extend beyond a consecutive six (6) month period, unless agreed upon Complainant.

In the event that the Respondent does not pay each monthly installment as agreed upon, all remaining installments become immediately due and payable, and the Complainant retains the right to institute collection proceedings as allowed by law. Respondent agrees to collection proceedings to collect the debt. Payment is to be by check payable to the North Carolina Department of Labor, OSHA Division (identifying Inspection No. **318269545**) and mailed to North Carolina Department of Labor, Financial Services Division. ATTN: Collections Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.

20. 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 up to and including the filing of this Consent Order.

21. Complainant and Respondent agree that provided the respective Motions of each party are granted:

- (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 additional evidentiary hearing of this matter;
- (b) this Consent 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 foregoing 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 this Consent Order brought directly under the Act by Complainant, this Consent 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 litigation and shall not be used for any other purposes except for proceedings and matters arising under the Act and Article 21, Chapter 95 of the North Carolina General Statutes.

MOTIONS

1. Complainant moved to do the following (“Complainant’s Motion”):

- a) **Reduce the penalty in Citation One, Item 1 from \$4,000.00 to \$2,000.00; and**
- b) **Reduce the penalty in Citation One, Item 2 from \$7,812.50 to \$3,906.00.**

Except as set forth in this Motion, the Original Citation shall remain unmodified or amended.

Respondent did not object to Complainant’s Motion.

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

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 record and the Stipulations at the time of the Hearing as memorialized herein, the Undersigned makes the following Findings of Fact:

1. 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.

2. Respondent is subject to the provisions of the Act and jurisdiction of the Safety and Health Review Commission of North Carolina.
3. This Court has jurisdiction over the parties and the subject matter of this Hearing.
4. Neither party has any objection, procedural or otherwise, to this Hearing. No affected employee elected party status and no employee raised an objection to the reasonableness of the abatement time.
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**;
3. That Respondent shall pay the penalty of **\$5,906.00 as set forth in the Stipulations**; and
4. That the parties shall comply with the terms and conditions set forth in the Stipulations.

This 04/04/2025.

Signature: Richard M. Koch

Richard M. Koch (Bar # 005112650)

Email: lawoffice@richardkochlaw.com

Richard Koch
Hearing Examiner

CONSENTED TO:

Signature: Sage A. Boyd
Sage A. Boyd, Apr 4, 2025 10:59 CDT

Email: sboyd@ncdoj.gov

Sage A. Boyd
Assistant Attorney General
North Carolina Department of Justice
Post Office Box 629/Labor Section
Telephone No. 919-716-6680
Raleigh, NC 27602-0629
sboyd@ncdoj.gov

ATTORNEY FOR COMPLAINANT

Signature: Armen Sarajian
Armen Sarajian, Apr 4, 2025 10:55 CDT

Email: asarajian@amtraco.com

Armen Sarajian
Owner and President of Amtraco
4221 Courtney Road
Franksville, WI 53126
asarajian@amtraco.com
REPRESENTATIVE FOR RESPONDENT

CERTIFICATE OF SERVICE

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

ARMEN SARAJIAN
AMTRACO
4221 COURTNEY RD
FRANKSVILLE WI 53126

SAGE BOYD
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 7 DAY OF April 2025.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
Docket Administrator
NC Occupational Safety &
Health Review Commission
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