

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

FILED

NOV 17 2025

NC OSH Review Commission

COMMISSIONER OF LABOR FOR)	DOCKET NO: 2023-6608
THE STATE OF NORTH CAROLINA)	
)	INSPECTION
)	NO: 318264918
Complainant,)	
)	CSHO ID: P0118
v.)	
Pennsylvania Transformer Technology, Inc)	<u>CONSENT ORDER</u>
and its successors)	
)	
Respondent.)	

THIS CAUSE coming on pursuant to the Notice of Hearing (“Hearing Notice”) on November 17, 2025 at 10 a.m., via Lifesize teleconferencing platform. Monique Nketah, Assistant Attorney General, North Carolina Department of Justice, appeared for Complainant. Michael D. McKnight, Attorney with Ogletree, Deakins, Nash, Smoak, and Stewart, P.C., Raleigh, North Carolina appeared as counsel for Respondent.

No affected employee of Respondent attended to have a say in, or participate as a party in, the Hearing.

At the Hearing, Complainant and Respondent (i) notified the Undersigned that the parties agree upon certain stipulations (“Stipulations”) and wish to make certain motions (“Motions”), and (ii) requested that the Stipulations and Motions be made part of the Hearing record and that a Consent Order be issued. The Stipulations and Motions are as follows:

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”), including making inspections and issuing citations and other pleadings, and brings this action pursuant to N.C.G.S. §§95-133 *et seq.*

2. Pursuant to N.C.G.S. §95-135 the Review Commission has jurisdiction over the parties and the subject matter of this action.

3. Respondent is a foreign company formed in Delaware which maintains a place of business in Raeford, North Carolina. At the time of the Inspection (hereinafter defined) and at the time the Original Citation (hereinafter defined) was issued the Respondent was a corporation, operating under the name ‘Pennsylvania Transformer Technology, Inc.’, was properly registered with the State of North Carolina Department of the Secretary of State and designated as a foreign corporation which was Current-Active in North Carolina. Effective as of October 30, 2023, by operation of merger, Pennsylvania Transformer Technology, Inc. ceased to exist, and the surviving entity in the merger was a Limited Liability Company which operates under the name ‘Pennsylvania Transformer Technology, LLC’. On and after October 30, 2023, and as of this date, Respondent is registered with the State of North Carolina Department of the Secretary of State and designated as a foreign limited liability company which is Current-Active in North Carolina.

Respondent maintains a place of business in Raeford, North Carolina. Respondent is a manufacturer of a wide range of sizes and types of power transformers for electric utility and industrial applications. Respondent is an “employer” within the meaning of N.C.G.S. Section 95-127(11); Respondent’s employees referred to in this matter are “employees” within the meaning of N.C.G.S. Section 95-127(10).

4. During the period between May 3, 2023 and October 16, 2023 Compliance Safety and Health Officer Donald Payne and CSHO-in-training Mark Tulio, employed by the North Carolina Department of Labor, conducted an inspection of Respondent’s worksite located at 201 Carolina Drive, Raeford, Hoke County, North Carolina (the “Inspection”) based on a complaint received on May 1, 2023.

5. As a result of the Inspection, on October 27, 2023, Complainant issued the following Citation and Notification of Penalty (herein referred to 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)(4)(i)	Immed. Upon Receipt	\$ 3,000.00
002	29 CFR 1910.147(c)(6)(i)	Immed. Upon Receipt	\$ 3,000.00
003	29 CFR 1926.147(c)(7)(i)(B)	Immed. Upon Receipt	\$ 4,687.50

6. Respondent submitted a timely Notice of Contest, dated December 15, 2023. On or about January 8, 2024, Complainant received "Employer's/Respondent's Statement of Position" which requested that formal pleadings be served. The Complaint was filed on February 28, 2024 and Respondent's Answer and Affirmative Defenses to Complaint was filed April 18, 2024.

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

8. Complainant and Respondent have no objection, either procedural or otherwise, to this Hearing; both parties consent to the conduct of this Hearing by the Undersigned, and to entry of this Consent Order. Complainant and Respondent confirm that there has been no employee objection in this matter to the reasonableness of any abatement period.

9. Respondent posted the Original Citation and the Hearing Notice 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 time.

10. Respondent confirms that the violations alleged in the Original Citation as amended pursuant to Complainant's Motion have been abated.

Complainant confirms that no additional documentation of abatement is required by Complainant.

11. The parties agree that upon granting of Complainant's Motion that the proposed penalty for each Item designated in the Original Citation has been calculated in accordance with the standard Field Operations Manual procedure; and the new proposed penalty for the Item designated in the Original Citation as amended pursuant to Complainant's Motion has been derived in consideration of the standard mitigating factors and specific factors applicable to Respondent.

12. Respondent agrees

- a) to continue to use its best efforts to comply with the requirements of the Act;
- b) Respondent agrees to continue with its present safety program, including conducting periodic meetings with employees. During such meetings, employees will be able to communicate safety suggestions or complaints to their supervisor who will forward the information to Respondent's safety spokesperson. Respondent agrees to meet regularly with its employees to discuss safety issues and receive safety suggestions or complaints from employees. Respondent's safety spokesperson shall also make recommendations regarding safety to supervisors who will then present such information to employees at the periodic meetings. Respondent agrees that all employees who make suggestions or

complaints to the Committee, shall have the same protection provided employees under Article 21, Chapter 95 of the North Carolina General Statutes.

c) To pay the penalty of \$ 7,000.00 assessed in this matter within 10 days of the date of this Consent Order.

In the event Respondent does not pay the penalty as stated above, all unpaid amount shall become immediately due and payable, and the Complainant retains the right to institute collection proceedings as allowed by law. Respondent agrees to pay attorney's fees to Complainant in the event that the Complainant institutes 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. 318264918) and mailed to Budget-Collections, North Carolina Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101. Credit card payment may also be arranged.

13. The parties agree to bear their own fees, costs and other expenses, including attorney's fees if any, that have been incurred in connection with any stage of these proceedings up to and including the filing of this Consent Order.

14. Complainant and Respondent agree that provided the respective Motion of each party is 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 an 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 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 a waiver of any defense, 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;

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 purposes except for proceedings and matters arising under the Act and Article 21, Chapter 95 of the North Carolina General Statutes.

MOTIONS

Complainant moved to make the following amendments to the Original Citation (“Complainant’s Motion”):

- a) Reclassify Citation 01, Item 001, from Serious to Non-serious, but increase the penalty from \$3,000.00 to \$3,500.00;
- b) Reclassify Citation 01, Item 002, from Serious to Non-serious but increase the penalty from \$3,000.00 to \$3,500.00; and
- c) Delete Citation 1, Item 003 and the \$4,687.50 penalty associated therewith.

These changes yield a total reduced penalty in the amount of \$7,000.00.

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

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”):

- a) To withdraw Respondent’s Notice of Contest to the Original Citation as amended pursuant to Complainant’s Motion.

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. 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.
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

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. Respondent is an “employer” within the meaning of N.C.G.S. §95-127(11); Respondent’s employees referred to in this matter are “employees” within the meaning of N.C.G.S. §95-127(10).
3. This Court has jurisdiction over the parties and the subject matter of this Hearing.
4. Respondent is subject to the provisions of the Act and jurisdiction of the Safety and Health Review Commission of North Carolina.

Based on the foregoing Findings of Fact and Conclusions of law, **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 meet the requirements of Stipulation 12 as set out above; and
4. That the parties shall comply with the terms and conditions set forth in the Stipulations and in this Consent Order.

Effective November 17, 2025.

SO ORDERED

Signature: R Joyce Garrett

R Joyce Garrett (Nov 17, 2025 10:27:21 EST)

Email: rjg.rjg@aol.com

R. Joyce Garrett
Hearing Examiner

CONSENTED TO:

JEFF JACKSON, Attorney General

Signature: Monique D. Nketah

Monique D. Nketah [Nov 17, 2023 12:22:50 EST]

Email: mnketah@ncdoj.gov

Monique Nketah
Assistant Attorney General
North Carolina Department of Justice
Post Office Box 629/Labor Section
Raleigh, NC 27602-0629
mnketah@ncdoj.gov
919-716-6963

Signature: Michael D. McKnight

Michael D. McKnight [Nov 17, 2023 12:11 26 EST]

Email: michael.mcknight@ogletree.com

Michael D. McKnight
Ogletree Deakins
8529 Six Forks Road, Forum IV, Suite 600
Raleigh, NC 27615
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919-789-3159

ATTORNEY FOR COMPLAINANT

ATTORNEY FOR RESPONDENT

Court Exhibit 1

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)	CSHO ID: P0118
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Pennsylvania Transformer Technology, Inc)	
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The parties wish to make certain motions at the Hearing, and agree to the following Stipulations.

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CERTIFICATE OF SERVICE

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

MICHAEL D. MCKNIGHT
OGLETREE DEAKINS
FORUM IV
8529 SIX FORKS RDSTE 600
RALEIGH, NC 27615
michael.mcknight@ogletree.com

MONIQUE NKETAH
NC DEPARTMENT OF JUSTICE
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mnketah@ncdoj.gov

NC DEPARTMENT OF LABOR
LEGAL AFFAIRS DIVISION
1101 MAIL SERVICE CENTER
RALEIGH, NC 27699-1101

via email.

THIS THE 18 DAY OF November 2025.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
Docket Administrator
NC Occupational Safety &
Health Review Commission
422 N. Blount St., Raleigh, NC 27601
TEL.: (919) 389-4132
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