

FILED

FEB 16 2026

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

NC OSH Review Commission

COMMISSIONER OF LABOR OF THE
STATE OF NORTH CAROLINA

COMPLAINANT,

v.

ARGOS USA, LLC
and its successors

RESPONDENT.

DOCKET NO.: OSHANC 2024-6655

INSPECTION NO.: 318280476

CSHO ID: C9077

CONSENT ORDER

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 February 11, 2026, via Lifesize teleconferencing platform. Madison L. Beveridge, Assistant Attorney General, North Carolina Department of Justice, Raleigh, North Carolina, appeared as counsel for the Complainant. Darren Crook, Attorney with Baker Hostetler LLP, Cleveland, Ohio, appeared as counsel for Respondent.

At the Hearing, Complainant and Respondent agreed upon and consented to certain stipulations (“Stipulations”) and motions (“Motions”). This Hearing was not an evidentiary hearing and the specific facts and circumstances relevant to the Inspection (hereinafter defined) and the Original Citation (hereinafter defined) were not introduced of record, and such facts and circumstances are not included in the Stipulations hereinafter set forth.

At the Hearing, 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. 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”).
2. The Review Commission has jurisdiction over the parties and the subject matter to this action.
3. Between February 1, 2024 and February 19, 2024, Compliance Safety and Health Officer (“CSHO”) Jerry Midyette, employed by the North Carolina Department of Labor

(“NCDOL”) inspected Respondent’s worksite located at 5025 Unicon Drive, Wake Forest, North Carolina.

4. Respondent, Argos USA, LLC, is a Delaware corporation, which was authorized to do business in North Carolina on June 29, 2011. At the time of the inspection in this matter, Respondent maintained a place of business in Wake Forest, North Carolina.
5. Respondent is an “employer” within the meaning of N.C.G.S. §95-127(11); all of Respondent’s employees referred to in this Complaint are “employees” within the meaning of N.C.G.S. §95-127(10).
6. On April 5, 2024, as a result of the inspection, Complainant issued one citation, 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>
001a	29 CFR 1910.28(b)(1)(i)	05/01/2024	\$9,000.00
001b	29 CFR 1910.29(b)(2)	05/01/2024	Grouped

CITATION NUMBER TWO (Nonserious)

<u>Item</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
001	29 CFR 1910.1053(f)(2)(i)	05/01/2024	No penalty
002	29 CFR 1910.1053(j)(1)	05/01/2024	No penalty

7. Respondent submitted a timely Notice of Contest dated July 3, 2024.
8. The Hearing in this matter was scheduled pursuant to Rules of Procedure of the Safety and Health Review Commission of North Carolina (the “Rules”).
9. 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.
10. Respondent confirms that the Original Citation and the Hearing Notice have been posted as required by the Rules.
11. 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.

12. Respondent confirms that the violations alleged in the Original Citation, as amended pursuant to Complainant's Motion, have been abated and Respondent agrees to continue to use its best efforts to comply with the requirements of the Act.
13. Respondent agrees to:
 - a. Train employees on three points of contact and other ways to minimize fall hazards while working on the mixer trucks' platforms. This training will be documented and maintained and available upon request.
14. 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.
15. 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

Complainant moved to the following ("Complainant's Motion"):

1. Delete Citation 1, Item 001a and Item 001b and the penalty associated therewith.

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"):

1. 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**; and
3. That the parties shall comply with the terms and conditions set forth in the Stipulations.

This the 02/16/2026, 2026.

Signature: Richard M. Koch
Richard M. Koch (Feb 16, 2026 10:11:38 EST)
Email: lawoffice@richardkochlaw.com

Richard Koch
Hearing Examiner

CONSENTED TO:

Signature: Chris Moore
Email: chris.moore@labor.nc.gov

Chris Moore
District Supervisor
Occupational Safety and Health Division

Signature: SC
Scott Hossenlopp (Feb 13, 2026 19:23:28 EST)
Email: scott.hossenlopp@quikrete-readymix.com

Scott Hossenlopp
EVP East Region
Quikrete Construction Materials, LLC f/k/a
Argos USA, LLC

Signature: Madison L. Beveridge
Madison L. Beveridge (Feb 16, 2026 09:19:59 EST)
Email: mbeveridge@ncdoj.gov

Madison L. Beveridge
Assistant Attorney General
North Carolina Department of Justice

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ATTORNEY FOR COMPLAINANT

Signature: DC
Darren Crook (Feb 13, 2026 18:46:56 EST)
Email: dcrook@bakerlaw.com

Darren Crook
Attorney at Law
Baker & Hostetler LLP

dcrook@bakerlaw.com

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

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

DARREN A. CROOK
BAKER HOSTETLER
dcrook@bakerlaw.com

MADISON BEVERIDGE
NC DEPARTMENT OF JUSTICE
mbeveridge@ncdoj.gov

NC DEPARTMENT OF LABOR
LEGAL AFFAIRS DIVISION

via email.

THIS THE 16 DAY OF February 2026.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
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Health Review Commission
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