

1. PROCEDURAL HISTORY. Pursuant to a Notice of Hearing filed January 14, 2026, an evidentiary hearing was held via Lifesize teleconferencing platform at 10 a.m. on April 29, 2026.

A discussion was held initially for purposes of resolving the matter without the necessity of the presentation of evidence at the Hearing. Following the discussion the Hearing commenced on the record. As a result of the discussion, Complainant and Respondent notified the Undersigned that the parties waived the presentation of evidence and wished to make certain motions, and that they agreed upon certain stipulations (“Joint Stipulations”).

2. JOINT STIPULATIONS.

Complainant and Respondent, at the beginning of the Hearing, agreed upon and stipulated to the following Joint Stipulations:

- (1) the Hearing in this matter shall be conducted via the video conferencing platform known as “Lifesize”;
- (2) the presence of a court reporter during the Hearing is waived;
- (3) the Hearing’s audio and video will be recorded through Lifesize (the “Recording”);
- (4) the Recording will be the official record of the Hearing;
- (5) the Recording will be made available to all counsel after the Hearing concludes (the Host will send a link to the Recording as soon as is practicable after the Hearing concludes);
- (6) the Hearing Examiner shall control when the Hearing is on and off the record;
- (7) the Hearing will be deemed to have taken place in Raleigh, North Carolina.

3. THE CITATION AND NOTIFICATION OF PENALTY

SUMMARY OF CITATION

Complainant issued to Respondent a 2 item citation (the “Original Citation”) alleging repeat serious violations of the Occupational Safety and Health Act of North Carolina, Article 16, Chapter 95 of the General Statutes of North Carolina (“Act”) with a total proposed penalty of \$24,375.00.

Citation 01 – Type Serious

Item Number	Standard	Abatement Date	Penalty
001	29 CFR 1926.501(b)(13)	Corrected During Inspection	\$15,000.00
002	29 CFR 1926.1053(b)(1)	Corrected During Inspection	\$9,375.00
			Total: \$24,375.00

Based upon consideration of the Joint Stipulations and of the entire record in this proceeding, and applicable law, the Undersigned makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

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 North Carolina limited liability company, active and current in North Carolina and maintains a place of business in Greensboro, North Carolina. Respondent is a roofing contractor in the construction industry. 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. On March 26, 2024, a Compliance Safety and Health Officer employed by the North Carolina Department of Labor, inspected Respondent’s worksite located at 2223 Nettlebrook Drive, Winston Salem, North Carolina (the “Inspection”). As a result of the Inspection on June 28, 2024 the Original Citation was issued.
5. Respondent submitted a timely Notice of Contest.
6. 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”).
7. Neither Complainant nor Respondent objected to the conduct of this Hearing, either procedural or otherwise.
8. No affected employee of Respondent attended the Hearing to have a say in, or participate as a party in, the Hearing.
9. The violations alleged in the Original Citation were abated.
10. At the time of the Hearing Respondent agreed to do the following:
 - a. Conduct training with employees regarding fall protection and address the hazards of horseplay;
 - b. Continue to appoint a competent person who has the ability to identify hazards and the authority to correct employee deficiencies;
 - c. Continue to conduct frequent and regular inspections;

- d. Continue to conduct tool talks including but not limited to fall protection, ladder safety;
- e. Maintain documentations of all training **with** date, subject, instructor's name, name and signature of the employee(s); and
- c) To pay the penalty assessed in this matter over a consecutive 24 month period in equal monthly installments, with the first installment being due and payable on June 1, 2026.

Payment is to be by check payable to the North Carolina Department of Labor, OSHA Division (identifying Inspection No. 318285962) and mailed to North Carolina Department of Labor Financial Services Division, ATTN: Collections Division, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101. Credit card payment may also be arranged.

11. Complainant and Respondent agree that provided the respective motion of each party is granted 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.

12. The Joint Stipulations are incorporated by reference as Findings of Fact to the extent necessary to give effect to the provisions of this Final Order.

MOTIONS

Complainant moved to amend the Original Citation as follows (“Complainant’s Motion”):

- a) Delete Item 001 of Citation 01 together with its proposed penalty; and
- b) Modify Item 002 of Citation 01 by changing the proposed penalty from \$9,375.00 to \$15,843.75.

Except as set forth in this motion the Original Citation remains 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 set forth above.

Complainant did not object to Respondent’s Motion.

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 Final Order.
2. Respondent is an “employer” within the meaning of N.C.G.S. §95-127(11); Respondent’s employees referred to in the Complaint 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**; and
3. That Respondent shall comply with the terms of the agreements stated in Paragraph 10 of the Findings of Fact and shall pay the assessed total penalty of \$15,843.75 as set out in such Paragraph 10.

Effective April 29, 2026.

SO ORDERED

R. Joyce Garrett

R. Joyce Garrett (May 4, 2026 16:07:48 EDT)

R. Joyce Garrett
Hearing Examiner

CERTIFICATE OF SERVICE

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

ERNESTO JUAREZ
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MADISON BEVERIDGE
NC DEPARTMENT OF JUSTICE
mbeveridge@ncdoj.gov

NC DEPARTMENT OF LABOR
GENERAL COUNSEL'S OFFICE

via email.

THIS THE 4 DAY OF May 2026.

PAUL E. SMITH
CHAIRMAN



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