

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 Nevada corporation, which was authorized to do business in North Carolina on June 2, 2000. It is active and current and maintains a place of business in Durham, North Carolina. Respondent is a uniform supplier and commercial laundry depot. 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 July 11, 2024, Compliance Safety and Health Officer Tyler Smith accompanied by Compliance Safety and Health Officer-in-training Nija Newton, employed by the North Carolina Department of Labor, inspected Respondent’s worksite (the “Inspection”) located at 1003 Twin Creeks Ct., Durham, North Carolina (“the inspected facility”). The Inspection was conducted pursuant to a complaint received by the North Carolina Department of Labor on or about June 10, 2024. Mr. Mark Hall, Director of Health and Safety for Respondent, consented to the Inspection.
5. As a result of the Inspection, on August 21, 2024, Complainant issued a 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>
001	29 CFR 1910.135(a)(1)	Immediately Upon Receipt	\$14,517.90

TOTAL PROPOSED PENALTY \$14,517.90

6. Respondent submitted a timely Notice of Contest dated September 16, 2024. On or about October 9, 2024, Complainant received “Employer’s/Respondent’s Statement of Position” which requested that formal pleadings be served. Complainant’s Complaint was filed October 28, 2024. Respondent’s Answer And Affirmative Defenses To Complaint was filed November 15, 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 the 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 develop and implement a comprehensive safety and health program that includes but is not limited to conducting frequent and regular safety inspections at the inspected facility. The inspections shall include inspecting the wash alley at the inspected facility. All inspections shall be documented in writing and maintained for a period of three (3) years following each inspection. These inspections shall be made available to the NCDOL-OSH Division upon request.**
 - b) **To conduct a comprehensive audit of the wash alley at the inspected facility to ensure equipment and machinery is in good working order and functioning properly and agrees to conduct that audit within ninety (90) days of the date of this Consent Order, document the results of the audit in writing, document any correctives actions taken as result of that audit, and maintain the audit for a period of three (3) years following the audit. This audit shall be made available to the NCDOL-OSH Division upon request.**
 - c) **To pay the penalty of \$14,517.90 assessed in this matter within thirty (30) 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. 318290780) 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.

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 do the following ("Complainant's Motion"):

- 1. Reclassify Citation One, Item 1 from Serious to Non-Serious; and**
- 2. Amend Citation One, Item 1 to strike the reference to 29 CFR 1910.135(a)(1) and amend the Standard Alleged Violation Elements (SAVE) and the Alleged Violation Description (AVD) to state the following:**

29 CFR 1910.9(b): The employer did not train each covered employee when the standards required training on hazards and related matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program:

- a) Facility, wash alley – where an employee was not adequately trained in the procedures for moving stuck bags along the conveyor.**

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. 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.

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 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**;
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 May 5, 2026.

SO ORDERED

Signature: R Joyce Garrett
R. Joyce Garrett (May 5, 2026 16:25:12 EDT)
Email: rjg.rjg@aol.com

R. Joyce Garrett
Hearing Examiner

CONSENTED TO:

Signature: 

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Representative for Respondent

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Sage A. Boyd (May 5, 2026 12:08:28 EDT)

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Counsel for Respondent

CERTIFICATE OF SERVICE

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

MELISSA ORTEGA
JAMES CURTIS
SEYFARTH SHAW LLP
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SAGE BOYD
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LABOR SECTION
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NC DEPARTMENT OF LABOR
GENERAL COUNSEL'S OFFICE

Via email.

THIS THE 5TH DAY OF MAY 2026.

PAUL E. SMITH
CHAIRMAN



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