

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

COMMISSIONER OF LABOR OF THE)	DOCKET NO.: OSHANC 2025-6699
STATE OF NORTH CAROLINA)	INSPECTION NUMBER: 318289220
)	CSHO ID: E2636
COMPLAINANT,)	
)	
v.)	
)	<u>CONSENT ORDER</u>
)	
JOY INC.,)	
<i>and its successors,</i>)	
)	
RESPONDENT.)	

THIS CAUSE came on pursuant to the Notice of Hearing (“Hearing Notice”) on March 31, 2026 at 10:00 a.m., via Lifesize teleconferencing platform before the undersigned, Richard Koch, Hearing Examiner for the North Carolina Occupational Safety and Health Review Commission. Sage A. Boyd, Special Deputy Attorney General, North Carolina Department of Justice, Raleigh, North Carolina, appeared as counsel for the Complainant. Mark Lies, Attorney with Seyfarth Shaw LLP, *pro hac vice*, and Melissa Ortega, Attorney with Seyfarth Shaw LLP, *pro hac vice*, appeared for the Respondent.

At the Hearing, Complainant and Respondent agreed upon and requested that the Stipulations and Motions be made part of the Hearing record and that the Undersigned issue a Consent Order. 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. 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. North Carolina State-specific standards under 13 NCAC 07F.0600 Communication Tower Standards (13 NCAC 07F .0600 - .0609) are adopted in North Carolina pursuant to N.C.G.S. § 95-131.

3. Respondent, JOY Inc., is a Washington corporation, which was authorized to do business in North Carolina on January 11, 2022. On September 3, 2025, JOY Inc. filed an application for an amended certificate authority at the North Carolina Office of the Secretary of State to change its corporate name used in the State of North Carolina to JOY COMPANIES, Inc., which was effective upon filing. JOY COMPANIES, Inc. is active and current and maintains a registered office address in Raleigh, North Carolina. JOY COMPANIES, Inc. is the successor entity for Respondent.
4. Respondent is a general contractor engaged in the business of construction including but not limited to telecommunications. Respondent is an "employer" within the meaning of N.C.G.S. §95-127(11) and Respondent has "employees" within the meaning of N.C.G.S. §95-127(10).
5. The Review Commission has jurisdiction over the parties and the subject matter to this action.
6. During the period on and (or) between June 10, 2024 and June 12, 2024, Compliance Safety and Health Officer Bob Tipton, accompanied by Compliance Safety and Health Officers in-training, Nate Cline and Amanda Murphy, all employed by the North Carolina Department of Labor (NCDOL), inspected Respondent's worksite located at 1720 E Dixon Blvd. in Shelby, North Carolina (hereafter referred to as "the Inspection").
7. As a result of the Inspection, on December 9, 2024, Complainant issued the following citation items carrying the following proposed abatement dates and penalties in the Citation and Notification of Penalty (hereafter referred to as the "Original Citation"):

CITATION NUMBER ONE (Serious)

<u>Item</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
1	13 NCAC 07F.605(b)(4)	Immediately Upon Receipt	\$4,839.30
2	13 NCAC 07F.605(b)(5) or <i>in the alternative</i> 29 CFR 1926.20(b)(2)	Immediately Upon Receipt	\$4,839.30
3	13 NCAC 07F.605(i)(1)	Immediately Upon Receipt	\$4,839.30
4	13 NCAC 07F.607(a)(2)	12/17/2024	\$4,839.30

8. Respondent submitted a timely Notice of Contest dated January 10, 2025.
9. The Hearing in this matter was scheduled pursuant to Rules of Procedure of the Safety and Health Review Commission of North Carolina (the "Rules").
10. 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.

11. Respondent confirms that the Original Citation and the Hearing Notice have been posted as required by the Rules.
12. 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.
13. **Respondent agrees that following applies to all projects in the State of North Carolina where work on telecommunication towers is being performed and that commence on or after the date of this Consent Order:**
 - a) **Prior to the commencement of any work on communication towers by Respondent's subcontractor(s), Respondent shall provide a copy of the North Carolina Communication Tower Standards (13 NCAC 07F .0600 - .0609) to Respondent's subcontractor(s). Work on communication towers includes construction, alteration, repair, operation, inspection, and (or) maintenance activities.**
 - b) **Respondent shall further require that Respondent's subcontractor(s) review these standards and return a signed Acknowledgment Form(s) to Respondent.**
 - c) **Respondent shall ensure that the requirements contained in this section are incorporated into every subcontract, at any tier, for any work on communication towers.**
 - d) **Respondent shall not permit any work on communication towers by Respondent's subcontractor(s) to begin until signed Acknowledgment Form(s) are received and verified by Respondent.**
 - e) **Respondent shall maintain a copy of all verified Acknowledgement Forms(s) for the duration of the project and for a period of six months following the completion of the work.**
 - f) **Respondent further agrees to provide a copy of the verified Acknowledgement Form(s) to NCDOL-OSH Division 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 do the following (“Complainant’s Motion”):

1. Delete all Citation Items and associated penalties.

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 03/31/2026.

Signature: Richard M. Koch
Richard M. Koch (Mar 31, 2025 14:58:50 EDT)

Email: lawoffice@richardkochlaw.com

Richard Koch
Hearing Examiner

CONSENTED TO:

Signature: 
Clifton Petersen (Mar 31, 2026 11:38:03 PDT)
Email: clif@joyinc.com

Name: Clif Petersen,
Job Title: Chief Joy Officer
clif@joyinc.com

REPRESENTATIVE FOR RESPONDENT

Signature: Sage A. Boyd
Sage A. Boyd (Mar 31, 2026 11:43:00 EDT)
Email: sboyd@ncdoj.gov

Sage A. Boyd
Special Deputy Attorney General
North Carolina Department of Justice

sboyd@ncdoj.gov

Signature: Mark A. Lies II
Mark A. Lies II (Mar 31, 2026 09:44:03 CDT)
Email: mlies@seyfarth.com

Mark A. Lies II
Partner
Seyfarth Shaw LLP
pro hac vice

mlies@seyfarth.com

ATTORNEY FOR COMPLAINANT

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

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

SAGE A BOYD
NC DEPARTMENT OF JUSTICE
LABOR SECTION
sboyd@ncdoj.gov

MARK A LIES II
MELISSA ORTEGA
SEYFARTH SHAW LLP
mlies@seyfarth.com
maortega@seyfarth.com

NC DEPARTMENT OF LABOR
GENERAL COUNSEL'S OFFICE

Via email.

THIS THE 31st DAY OF MARCH 2026.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
Docket Administrator
NC Occupational Safety &
Health Review Commission
422 N Blount St
Raleigh, NC 276901
TEL.: 984-389-4132
Karissa.sluss@oshrc.labor.nc.gov
NCOSHRC@oshrc.labor.nc.gov