

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

**COMMISSIONER OF LABOR OF THE
STATE OF NORTH CAROLINA**

COMPLAINANT,

V.

MMDI, INC. DBA STEEL POINT, LLC,

and its successors,

RESPONDENT.

) **DOCKET NO.: OSHANC 2025-6711**
) **INSPECTION NUMBER: 318298635**
) **CSHO ID: N9102**

CONSENT ORDER

THIS CAUSE came on pursuant to the Notice of Pre-Hearing Conference (“Hearing Notice”) on August 11, 2026, at 10:00 a.m., via Lifesize teleconferencing platform before the undersigned, Mary-Ann Leon, 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. Curtis G. Moore, Partner, Fisher & Phillips LLP, appeared as counsel for Respondent.

Pursuant to the Hearing Notice, a pre-hearing conference (the “Hearing”) was held for the purpose of considering matters which would simplify the issues and expedite the proceedings in the above referenced case including considering such matters that may be necessary or advisable for the completion of the case, and if possible, to reach a resolution without the necessity of further hearing. 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 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. The Review Commission has jurisdiction over the parties and the subject matter to this action.
3. Respondent is MMDI, Inc. doing business as (DBA) Steel Point, LLC. MMDI, Inc. is a North Carolina corporation, duly organized and existing under the laws of the State of North Carolina, which does business in the State of North Carolina as Steel Point, LLC and maintains a place of business in Matthews, North Carolina. Respondent is in the business of designing, fabricating, and manufacturing pull-behind trailers. Respondent is an "employer" within the meaning of N.C.G.S. §95-127(11); and Respondent's employees referred to in this matter are "employees" within the meaning of N.C.G.S. §95-127(10).
4. On and between December 12, 2024, and February 26, 2025, Compliance Safety and Health Officer Ayda Mekonen, employed by the North Carolina Department of Labor (NCDOL), accompanied by Compliance Safety and Health Officer Curt Hobson, also employed by NCDOL, inspected Respondent's worksite ("the Inspection") located at 200 Beltway Blvd. in Matthews, North Carolina ("the Inspected Worksite").
5. As a result of the Inspection, on February 27, 2025, Complainant issued one citation with two serious 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	29 CFR 1910.147(c)(1)	Immediately Upon Receipt	\$4,000.00
2	29 CFR 1910.212(a)(3)(ii)	Immediately Upon Receipt	\$8,065.50

6. Respondent submitted a timely Notice of Contest dated April 9, 2025.
7. The Hearing in this matter was scheduled pursuant to 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; waive the making of a transcript; and consent to the conduct of this Hearing by the Undersigned and consent to entry of this Order.

9. Respondent confirms that the Original Citation and the Hearing Notice have been posted as required by the Rules.
10. 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.
11. Respondent confirms that all items in the Original Citation, as amended pursuant to Complainant's Motion, have been abated by the training described in the Stipulation in paragraph 12.a) and the use of the tool for short stock metal described in the Stipulation in paragraph 12.b) and Respondent agrees to use best efforts to comply with the Act.
12. **Respondent agrees to complete the following:**
 - a) **Submit the machine specific lockout tagout ("LOTO") procedure for the Diamond (Mitsubishi) Press, Brake Model #BH13530, and training on that procedure within thirty (30) days of the date of this Consent Order to the NCDOL-OSH Division;**
 - b) **Provide a picture of the tool that is being used by Respondent's employees for short-stock metal for the Diamond (Mitsubishi) Press, Brake Model #BH13530, as well as provide the written policy, and documentation of training on the written policy for the tool's use, within thirty (30) days of the date of this Consent Order to the NCDOL-OSH Division;**
 - c) **Provide machine-specific LOTO procedures and documentation of training for all Press Brakes at the Inspected Worksite within thirty (30) days of the date of this Consent Order to the NCDOL-OSH Division; and**
 - d) **Send one manager for Respondent to the OSHA 30-Hour General Industry Training Course and provide proof of completion within ninety (90) days of the date of this Consent Order to the NCDOL-OSH Division.**
13. Respondent agrees to pay the new total penalty of **\$4,000.00 within thirty (30) days of the date of this Consent Order.** In the event Respondent does not pay the penalty as agreed upon, Complainant retains the right to institute collection proceedings as allowed by law. Respondent agrees to 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. **318298635**) and mailed to North Carolina Department of Labor, Financial Services Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.
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. Provided the respective Motions of each party are granted, Complainant and Respondent agree as follows:
- 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 the 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 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 moves to do the following ("Complainant's Motion"):

1. **Amend Citation One, Item 1 to strike the reference to 29 CFR 1910.147(c)(1) and amend the Standard Alleged Violation Elements (SAVE) and Alleged Violation Description (AVD) language to state as follows:**

29 CFR 1910.9(b): *Training.* Standards in this part requiring 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, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.

a) On or about December 12, 2024, the employer failed to maintain adequate training documentation to show it had adequately trained its authorized employees on the control of hazardous energy on the Diamond (Mitsubishi) Press Brake, Model #BH13530.

2. Amend Citation One, Item 2 to strike the reference to 29 CFR 1910.212(a)(3)(ii) and amend the Standard Alleged Violation Elements (SAVE) and Alleged Violation Description (AVD) language to state as follows:

29 CFR 1910.212(a)(3)(iii): Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

a) On or about December 12, 2024, the employer utilized the length of metal stock as a distance tool which was not sufficient to prevent the employee from potentially having their hands in the point-of-operation for short pieces on the Diamond (Mitsubishi) Press, Brake Model #BH13530.

3. Reclassify Citation One, Item 2 from Serious to Non-Serious and delete the penalty associated with it.

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

Respondent does not object to Complainant's Motion.

Respondent requests 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 does 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**;
3. That Respondent shall pay the penalty of **\$4,000.00 within thirty (30) days of this Consent Order**; and
4. That the parties shall comply with the terms and conditions set forth in the Stipulations.

This the 08/11/2026.

Signature: Mary-Ann Leon
Mary-Ann Leon (Aug 11, 2026 15:06:02 CDT)

Email: maleon@leonlaw.org

Mary-Ann Leon
Hearing Examiner

CONSENTED TO:

Signature: Sage A. Boyd
Sage A. Boyd (Aug 11, 2026 15:52:13 EDT)

Email: sboyd@ncdoj.gov

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

sboyd@ncdoj.gov

ATTORNEY FOR COMPLAINANT

Signature: Curtis Moore
Curtis Moore (Aug 11, 2026 15:49:48 EDT)

Email: cmoore@fisherphillips.com

Curtis G. Moore
Partner
Fisher & Phillips LLP

cmoore@fisherphillips.com

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

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

CURTIS G MOORE
FISHER & PHILLIPS LLP
cmoore@fisherphillips.com

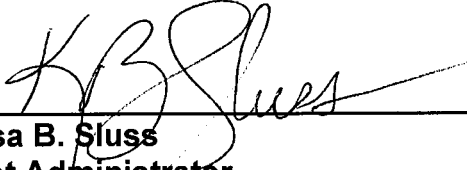
SAGE BOYD
NC DEPARTMENT OF JUSTICE
sboyd@ncdoj.gov

NC DEPARTMENT OF LABOR
GENERAL COUNSEL'S OFFICE

via email.

THIS THE 11 DAY OF August 2026.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
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Health Review Commission
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