

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

RALEIGH, NORTH CAROLINA

FILED

AUG -4 2026

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

DOCKET NO: 2025 - 6723
NC OSH Review Commission

INSPECTION

NO: 318299518

Complainant,

CSHO ID: W2054

v.

**JANCO FS3 LLC dba VELOCITI SERVICES
and its successors**

ORDER

Respondent.

THIS CAUSE came on for hearing pursuant to the Notice of Hearing ("Hearing Notice") on August 4, 2026 at 10:00 a.m. before the undersigned R. Joyce Garrett, Hearing Examiner for the North Carolina Occupational Safety and Health Review Commission, via Lifesize teleconferencing platform. Madison L. Beveridge, Assistant Attorney General, North Carolina Department of Justice, Raleigh, North Carolina appeared for Complainant. Curtis G. Moore, Attorney with Fisher & Phillips LLP, in Charlotte, North Carolina, appeared for Respondent. No affected employee of Respondent attended to have a say in, or participate as a party in, the Hearing.

On the record, the following was noted:

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. Respondent is a Delaware corporation, which was authorized to do business in North Carolina on September 14, 2021, and at pertinent times relevant to this action. Respondent is in the business of performing janitorial and housekeeping services. Respondent was, at all relevant times, an "employer" within the meaning of N.C.G.S. Section 95-127(11); Respondent's employees are referred to in this matter as "employees" within the meaning of N.C.G.S. Section 95-127(10).

3. Complainant commenced this action by the issuance of a Citation and Notification of Penalty ("Citation") to Respondent on April 14, 2025. The Citation had the following proposed items, penalties, and abatement deadlines:

CITATION NUMBER ONE (Serious)

<u>Item</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
Grouped			
001a	29 CFR 1910.22(a)(1)	Corrected During Inspection	\$ 8,000.00
001b	29 CFR 1910.22(a)(2)	Corrected During Inspection	\$ 0.00
001c	29 CFR 1910.22(a)(3)	Corrected During Inspection	\$ 0.00
002	29 CFR 1910.141(c)(1)(i)	Corrected During Inspection	\$ 5,200.00

TOTAL PROPOSED PENALTY \$ 13,200.00

4. Respondent submitted a timely Notice of Contest dated June 2, 2025. On or about June 23, 2025, Complainant received "Employer's/Respondent's Statement of Position" which requested that formal pleadings be served. Complainant's Complaint was filed August 13, 2025. Respondent's Answer To Complaint was filed September 2, 2025.

5. 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"). 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.

6. At the Hearing Complainant and Respondent notified the Undersigned that Complainant and Respondent had extensive discussions concerning this matter. Complainant and Respondent informed the Court that as a result of such discussions, Respondent confirms and agrees that for a period of one calendar year from August 4, 2026 – August 4, 2027, Respondent will conduct a training to be disseminated to all present or future North Carolina janitorial staff that they are to either: (1) not assist in procuring portable toilets for customers, or; (2) they are to consult with corporate Environmental, Health and Safety (EHS) so corporate EHS can make the necessary determinations as to whether Respondent will assist, and obtain any necessary information from the client. Respondent will conduct training for its currently existing North Carolina janitorial employees within 45 days of the entry of this order. Complainant confirms that no additional documentation of abatement is required by Complainant.

7. Following Respondent's Declaration indicated in the above-paragraph, Complainant gave notice to the Court that it unilaterally withdrew the Citation in its entirety, including all proposed items, penalties, and abatements therein. NC Commission Rule .0401 provides that the Complainant may withdraw citation "[a]t any state of a proceeding." The United States Supreme Court held in Cuyahoga Valley Railway Co. v. United Transportation Union, 474 U.S. 3, 7 (1985)

that "the Secretary's decision to withdraw a citation against an employer under the Act is not reviewable by the Commission." Under Cuyahoga, the Undersigned does not have the authority to grant or deny the Commissioner's withdrawal of the Citation. The Withdrawal by Complainant is unilateral and self-effectuating and terminates this case in and of itself; no order of the Undersigned is needed or required.

8. The parties agreed on the record 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 Order. The Parties further agreed on the record that none of the agreements, statements, stipulations, abatement or enhanced abatement, and/or actions taken by Respondent shall be deemed an admission by the Respondent of any violation of the Act or its standards.

The Undersigned issues this Order for the purpose of memorializing Respondent's Declaration and the agreements of Respondent and Complainant, and providing record notice of Complainant's Withdrawal of the Citation and the closing of this case; with respect to the Withdrawal this is a ministerial function only – not a substantive one. Immediately effect is given to Complainant's Withdrawal of the Citation.

This is the 4th day of August 2026.

Signature: R. Joyce Garrett
R. Joyce Garrett (Aug 4, 2026 13:08:25 EDT)
Email: rjg.rjg@aol.com

R. Joyce Garrett
Hearing Examiner

Having appeared for and attended the proceeding resulting in the entry of this Order:

Signature: Madison Beveridge
Madison Beveridge (Aug 4, 2026 11:13:32 EDT)
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Signature: Curtis Moore
Curtis Moore (Aug 4, 2026 11:10:32 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:

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

MADISON BEVERIDGE
NC DEPARTMENT OF JUSTICE
ragan@ncdoj.gov

NC DEPARTMENT OF LABOR
GENERAL COUNSEL'S OFFICE

via email.

THIS THE 41 DAY OF August 2026.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
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Health Review Commission
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