

**FINAL ORDERS OF THE VIRGINIA COURTS
IN CONTESTED CASES ARISING UNDER THE
VIRGINIA OCCUPATIONAL SAFETY AND HEALTH ACT
2005**

A. D. Whittaker Construction, Incorporated, C. Ray Davenport v.
Chancery No. CH04-360 (Henrico County Circuit Court)

A. D. Whittaker Construction, Incorporated, C. Ray Davenport v.
Chancery No. 04000117 (Hanover County Circuit Court)

Blakemore Construction Corporation, C. Ray Davenport v.
Chancery No. CH04000354-00 (Hanover County Circuit Court)

Box Enterprises, Inc., d/b/a Tip Top Tree Service, C. Ray Davenport v.
Chancery No. CH05015206-00 (Williamsburg City Circuit Court)

Michael A. Cline, d/b/a Cline's Well Drilling, C. Ray Davenport v.
Chancery No. CH04-23 (Bland County Circuit Court)

Condotte America, Inc., C. Ray Davenport v.
Chancery No. CH03-520 (Chesterfield County Circuit Court)

Coors Brewing Company, C. Ray Davenport v.
Chancery No. CH04-000472 (Rockingham County Circuit Court)

Eagle Construction of Virginia, Incorporated, C. Ray Davenport v.
Chancery No. CH03-222 (Chesterfield County Circuit Court)

English Construction Company, Inc., C. Ray Davenport v.
Chancery No. CH02-1025 (Henrico County Circuit Court)

Georgia-Pacific Corporation, C. Ray Davenport v.
Chancery No. 03-4672 (Greensville County Circuit Court)

Gumenick Properties, LLC, T/A Charles Glen, LLC, C. Ray Davenport v.
Chancery No. CH03-1456 (Henrico County Circuit Court)

Hydro-Tap Services, Inc., C. Ray Davenport v.
Chancery No. CH03000294 (Hanover County Circuit Court)

Jacob L. Adams, Incorporated, C. Ray Davenport v.
Chancery No. CH03-462 (Henrico County Circuit Court)

J. E. Jamerson & Sons, Incorporated, C. Ray Davenport v.
Chancery No. CH03000076-00 (Prince Edward County Circuit Court)

J. E. Jamerson & Sons, Incorporated, C. Ray Davenport v.
Chancery No. V-16778 (Montgomery County Circuit Court)

John S. Clark Co., Inc., C. Ray Davenport v.
Chancery No. CH04-127 (Chesterfield County Circuit Court)

J. Sanders Construction Co., C. Ray Davenport v.
Chancery No. 02000443 (Hanover County Circuit Court)

Lakeside Electrical Contractors, Inc., C. Ray Davenport v.
Chancery No. CH6832 (Louisa County Circuit Court)

Miller Brothers, Inc., C. Ray Davenport v.
Chancery No. CH03-03 (Fauquier County Circuit Court)

Office Outlet, Inc., C. Ray Davenport v.
Chancery No. CH04-728 (Roanoke City Circuit Court)

Pepperdine Corporation, C. Ray Davenport v.
Chancery No. C-02-732 (Portsmouth City Circuit Court)

R. W. S. Construction, Inc., C. Ray Davenport v.
Chancery No. CH04-21271 (Bedford City Circuit Court)

Scott Pallets, Inc., C. Ray Davenport v.
Chancery No. CH05-51 (Amelia County Circuit Court)

Skanska USA Building Incorporated, C. Ray Davenport v.
Chancery No. CH04-422 (Henrico County Circuit Court)

Southern Air, Inc., C. Ray Davenport v.
Chancery No. 03000211-00 (Halifax County Circuit Court)

States Roofing Corporation, C. Ray Davenport v.
Chancery No. CH03-1526 (Richmond City Circuit Court)

Superior Excavating & Construction, Inc., C. Ray Davenport v.
Chancery No. 03000413 (Hanover County Circuit Court)

T. A. Sheets Mechanical General Contractor, Inc., C. Ray Davenport v.
Chancery No. CH03-558 (Henrico County Circuit Court)

T. A. Sheets Mechanical General Contractor, Inc., C. Ray Davenport v.
Chancery No. CH03000180 (Hanover County Circuit Court)

Turner Construction Company, C. Ray Davenport v.
Chancery No. CH03-463 (Henrico County Circuit Court)

Turner Construction Company, C. Ray Davenport v.
Chancery No. 00-445 (Arlington City Circuit Court)

Young AEO, D/B/A YW Construction Company, C. Ray Davenport v.
Chancery No. CH04-2686 (Alexandria City Circuit Court)

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

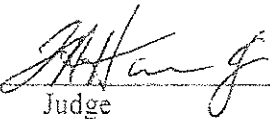
C. RAY DAVENPORT,)
 Commissioner of Labor and Industry,)
Plaintiff,)
 v.)
 A.D. WHITTAKER CONSTRUCTION,)
 INCORPORATED,)
Defendant.)

Chancery No. CH04-360

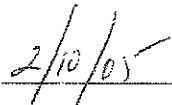
ORDER TO NONSUIT


This matter came before the Court on C. Ray Davenport's ("Commissioner's") Motion for Nonsuit as a matter of right pursuant to *Va. Code* § 8.01-380, and IT APPEARING that on March 19, 2004, the Commissioner filed a bill of complaint against A. D. Whittaker Construction, Incorporated, that the parties have recently settled the contested VOSH Citations on mutually acceptable terms, that no nonsuit has been taken to this cause, and that the defendant has not filed a cross-bill, it is therefore ADJUDGED, ORDERED, AND DECREED that the Commissioner's motion is GRANTED and that this matter be and hereby is nonsuited without prejudice as a matter of right pursuant to *Va. Code* § 8.01-380, it is FURTHERMORE ORDERED the Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.

Enter:


 Judge

Date:



COPY TESTED
 WENDY G. SMITH, CLERK

 DEPUTY CLERK

I ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry



Alfred B. Albiston (VSB # 29851)
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, Virginia 23219
804-786-4777, Fax 786-8418

VIRGINIA:


IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
v.	)	Chancery No. 04000117
)	
A.D. WHITTAKER CONSTRUCTION,)	
INCORPORATED,)	
<i>Defendant.</i>)	

ORDER TO NONSUIT

This matter came before the Court on C. Ray Davenport's ("Commissioner's) Motion for Nonsuit as a matter of right pursuant to *Va. Code* § 8.01-380, and IT APPEARING that on March 10, 2004, the Commissioner filed a bill of complaint against A. D. Whittaker Construction, Incorporated, that the parties have recently settled the contested VOSH Citations on mutually acceptable terms, that no nonsuit has been taken to this cause, and that the defendant has not filed a cross-bill, it is therefore ADJUDGED, ORDERED, AND DECREED that the Commissioner's motion is GRANTED and that this matter be and hereby is nonsuited without prejudice as a matter of right pursuant to *Va. Code* § 8.01-380, it is FURTHERMORE ORDERED the Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.

Enter:



 Judge

Date:

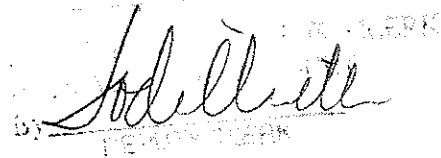
2.17.05

I ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry



Alfred B. Albiston (VSB # 29851)
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, Virginia 23219
804-786-4777, Fax 786-8418



ADELLE WHITE
CLERK

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff

v.

Chancery No. CH04000354-00

**BLAKEMORE CONSTRUCTION
CORPORATION**

Defendant.

AGREED ORDER

WHEREAS, on or about September 25, 2003, the Commissioner issued a Citation to the Defendant, Blakemore Construction Corporation, alleging one serious violation of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$1,500.00;

WHEREAS, Blakemore Construction Corporation, within 15 working days from the date of the receipt of the citation, filed a written notice contesting the violation and proposed penalty, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is ORDERED AND AGREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Serious Citation 1, Item 1 is vacated, along with the \$1,500.00 penalty.
2. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Blakemore Construction Corporation shall post a copy of this order for ten (10) consecutive days at its


workplace in Virginia in a conspicuous location where notices to employees generally are posted.

3. This agreement does not purport to limit the effect of Code § 40.1-51.3:2. The defendant's agreement to the entry of this order shall not limit the Commissioner's use of this order in future proceedings under Code § 40.1-49.4.I, -J, or -K, or under any other authority. This order shall be construed to advance the purpose of Code § 40.1-3.

4. Each party will bear its own costs in this matter.

5. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

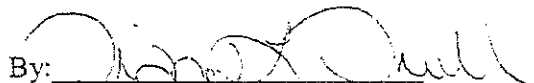
Entered this 23 day of ^{Aug.} ~~June~~, 2005.



Judge

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 
Diane L. Duell (VSB No. 27285)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.4289
804.786.8418 (fax)

By: Courtney Moates Joyce
Barry A. Hackney (VSB No. ~~4515~~)
Courtney Moates Joyce (VSB No. 45523)
HIRSCHLER FLEISCHER, P.C.
The Federal Reserve Bank Building
701 East Byrd Street, 17th Floor (23219)
Post Office Box 500
Richmond, Virginia 23218-0500
504.771-9500
804.644.0957 (fax)

Counsel for Blakemore Construction
Corporation

DEPT. OF THE CLERK
COURT
DEPT. OF THE CLERK

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
)	
Plaintiff,)	
)	
v.	)	CH05015206-00
)	
BOX ENTERPRISES, INC., D/B/A TIP TOP)	
TREE SERVICE,)	
)	
Defendant.)	

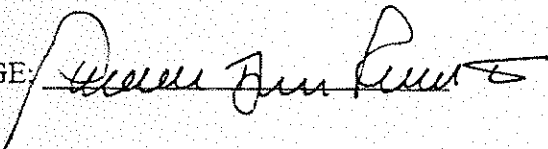
DECREE PRO CONFESSO

This cause came to be heard upon Commissioner C. Ray Davenport's Motion for Decree Pro Confesso against Box Enterprises, Inc., D/B/A Tip Top Tree Service, declaring that \$21,150.00 in proposed civil penalties arising from contested Virginia Occupational Safety and Health (VOSH) citations, identified by VOSH Inspection Number 306819897 and as attached to the Commissioner's Bill of Complaint in Exhibit A, be upheld.

UPON CONSIDERATION WHEREOF, it appearing to the Court that more than twenty-one (21) days have elapsed since service of process on the Defendant and that no responsive pleadings have been filed by the Defendant, nor has an appearance been made in this action on his behalf, it is therefore

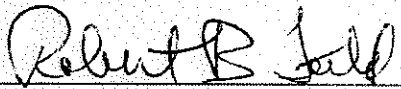
ADJUDGED, ORDERED, and DECREED that Plaintiff be awarded judgment by default in this cause against the Defendant, affirming that Box Enterprises, Inc., D/B/A Tip Top Tree Service, be held liable for payment to the Commonwealth of Virginia of \$21,150.00 in civil penalties, arising from contested Virginia Occupational Safety and Health (VOSH) citations as

set out in Inspection No. 306819897. It is also ADJUDGED, ORDERED, and DECREED that the Clerk of this Court shall strike this matter from the docket and place it among the ended chancery cases. The Clerk shall mail certified copies of this order to the Defendant and to C. Ray Davenport, Commissioner of Labor and Industry, at 13 South Thirteenth Street, Richmond, Virginia 23219. Pursuant to *Rule 1:13*, endorsement by defense counsel shall be dispensed with.

JUDGE:  ENTER: 11-2-05

I ASK FOR THIS:

C. RAY DAVENPORT,
Commissioner of Labor and Industry

By: 
Counsel

Robert B. Feild (VSB #23864)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219-4101
804-786-4777, Fax 786-8418

I CERTIFY THAT THE DOCUMENT TO WHICH THIS AUTHENTICATION IS AFFIXED IS A TRUE COPY OF A RECORD IN THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG AND COUNTY OF JAMES CITY, VA AND I AM CUSTODIAN OF THAT RECORD.
BETSY B. WOOLRIDGE, CLERK

BY:  D.C.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF BLAND

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff,

v.

Chancery No. CH04-23

MICHAEL A. CLINE,
d/b/a **CLINE'S WELL DRILLING**

Defendant.

AGREED FINAL ORDER

WHEREAS, on or about May 29, 2003, Commissioner C. Ray Davenport issued a citation to the defendant, Michael A. Cline, d/b/a Cline's Well Drilling, alleging two serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$3,000.00;

WHEREAS, Michael A. Cline, within 15 working days from the date of the receipt of the citation, filed a written notice contesting the citation and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, Item 1, Va. Code § 40.1-51.1.A is changed from a serious to an unclassified violation. The initial penalty of \$1,500.00 is reduced to \$1,000.00;
 - b. Citation 1, item 2, § 1926.50(c) is changed from a serious to an other-than-serious violation. The initial penalty of \$1,500.00 is reduced to \$1,000.00.
3. Michael A. Cline shall pay the total penalty of \$2,000.00 within thirty (30) days of the date of entry of this order. Payment shall be made by check or money order, payable to the

Treasurer of Virginia, with VOSH inspection number 305673683 noted on the payment.

4. Michael A. Cline certifies that the affirmed violations referenced above in this Order have been corrected and abated.

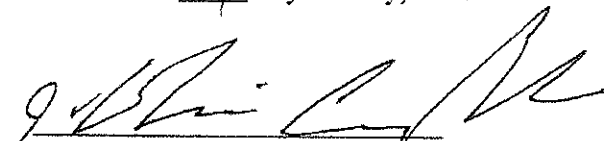
5. As further consideration for the modification of the terms of the original citation, Michael A. Cline agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Michael A. Cline. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. This order shall be construed to advance the purpose of Code § 40.1-3.

7. Each party will bear its own costs in this matter.


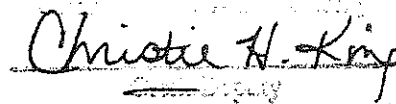
8. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and defense counsel.

Entered this 23rd day of May, 2005.


Judge J. Colin Campbell, Sr.

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry



Christie H. King

By: Diane L. Duell
Diane L. Duell (VSB No. 27285)
Virginia Department of Labor & Industry
Special Assistant Commonwealth's Attorney
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.4289
804.786.8418 (Fax)
Counsel for Commissioner C. Ray Davenport

Michael A. Cline,
d/b/a Cline's Well Drilling

By: Douglas G. Campbell
Douglas G. Campbell
Campbell & Matney
996 Ben Bolt Boulevard
Tazewell, Virginia 24651
276.988.6554
276.988.6555 (Fax)
Counsel for Michael A. Cline

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff

v.

Chancery No. CH03-520

CONDOTTE AMERICA, INC.

Defendant.

AGREED ORDER

WHEREAS, on or about October 12, 2001, the Commissioner issued a Citation to the Defendant, Condotte America, Inc., alleging six serious and one other-than-serious violation(s) of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$22,950.00;

WHEREAS, Condotte America, Inc., within 15 working days from the date of the receipt of the citation, filed a written notice contesting the violations and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, items 1a and 1b are vacated, along with the \$5000 penalty;
 - b. Citation 1, Item 2 remains serious as cited. The assessed penalty of \$7000 is reduced to \$3500;

- c. Citation 1, Item 3, is reclassified from a serious to an other-than-serious violation. The assessed penalty is \$5000 is reduced to \$1000;
- d. Citation 1, item 4 is vacated along with the \$2125 penalty;
- e. Citation 1, item, 5 is reclassified from a serious to an other-than-serious violation. The assessed penalty is \$2125 is reduced to \$1000;
- f. Citation 1, item 6 is reclassified from a serious to an other-than-serious violation. The assessed penalty of \$1700 is reduced to \$850; and
- g. Citation 2, Item 1 is vacated.

2. Condotte America, Inc., shall pay the penalty of \$6350.00 within thirty (30) days of the date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 304134323 noted on the payment.

3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Condotte America shall post a copy of this order for ten (10) consecutive days at its workplace in Virginia in a conspicuous location where notices to employees generally are posted.

4. Condotte America certifies that the violations alleged in this agreement have been abated. **If not already provided**, the Employer agrees to provide to the Commissioner within thirty (30) days of the effective date of this agreement documentation verifying abatement of each violation affirmed in this agreement. The documentation shall comply with §307.E.2. of the Virginia Occupational Safety and Health (VOSH) Administrative Regulations Manual, which states that "Documents demonstrating that abatement is complete may include, but are not limited to, evidence of purchase or repair of equipment, photographic or video evidence of abatement, or other written records." The documentation shall be provided to:

James Garrett, Compliance Manager
Virginia Department of Labor and Industry
North Run Business Park
1570 Parham Road
Richmond, VA 23228-2360

5. As further consideration for the modification of the terms of the original citation,

Condotte America agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Condotte America. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. This order shall be construed to advance the purpose of Code § 40.1-3.

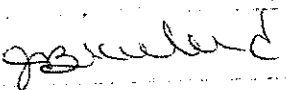
7. Each party will bear its own costs in this matter.

8. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

Entered this ~~31st~~ day of March, 2005.



Judge Timothy J. Hauler


Page 3

C. Ray Davenport,
Commissioner of Labor and Industry

By: 


Diane L. Duell (VSB No. 27285)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.4289
804.786.8418 (fax)

By: 

Gerald I. Katz (VSB No. 15225)
Stephen W. Smith (VSB No. 43215)
KATZ & STONE, L.L.P.
8230 Leesburg Pike, Suite 600
Vienna, Virginia 22182
703.761.3000
703.761.6179 (fax)
Counsel for Condotte America, Inc.

We ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry



Alfred B. Albiston (VSB# 29851)
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
804-786-0169. Fax 804-786-8418

Counsel for C. Ray Davenport, Commissioner of Labor and Industry




Thomas M. Lucas
Troutman, Sanders, LLP
222 Central Avenue
Suite 2000
Virginia Beach, VA 23462

Counsel for Coors Brewing Company

5. As further consideration for the modification of the terms of the original citation, Eagle Construction of Virginia, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.
6. Eagle Construction of Virginia, Inc., shall post a copy of this Order for thirty consecutive days, beginning from the date of entry of this Order, at its workplaces in Virginia in a conspicuous location where notices to its employees are generally posted;
7. Under Virginia Code § 40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. The agreements, statements and actions taken herein are made solely for the purpose of settling this matter economically and amicably without further litigation and this Order shall not be used for any other purpose other than for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.
8. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this order to both counsel of record.

Entered this 23rd day of September 2005.



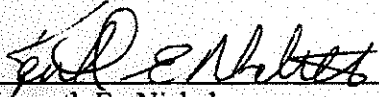
Judge Cleo E. Powell

A COPY TESTE:
JUDYL WORTHINGTON, CLERK
BY Angie Walker

DEPUTY CLERK

WE ASK FOR THIS:

C. RAY DAVENPORT, Commissioner of Labor and Industry



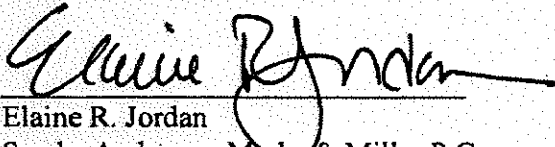
Kenneth E. Nickels
Deputy Commonwealth's Attorney
Chesterfield County
Post Office Box 25
Chesterfield, Virginia 23832
Tel: 804-748-1221
Fax: 804-717-6277

Sept. 16, 2005
Date

Counsel for Commissioner Davenport

SEEN AND AGREED:

EAGLE CONSTRUCTION OF VIRGINIA, NC.



Elaine R. Jordan
Sands, Anderson, Marks & Miller P.C.
P.O. Box 1998
Richmond, Virginia 23218-1998
Telephone: (804) 783-7245
Facsimile: (804) 783-7921
Counsel for Eagle Construction of Virginia, Inc.

Date

119
9/26

VIRGINIA:

IN THE CIRCUIT COURT OF HENRICO COUNTY

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
)	
v.	)	Chancery No. CH02-1025
)	
ENGLISH CONSTRUCTION COMPANY, INC.,)	
<i>Defendant.</i>)	

AGREED FINAL ORDER

WHEREAS, on or about January 29, 2001, Commissioner C. Ray Davenport ("Commissioner") issued a citation to the defendant, English Construction Company, Inc. ("English Construction"), alleging seven (7) Serious violations of the *Virginia Occupational Safety and Health (VOSH) Standards for the Construction Industry*, and proposing combined civil penalties of \$9,350.00. (A copy of the citation identified as VOSH inspection number 303905111 is attached to the Bill of Complaint); and

WHEREAS, English Construction filed, within 15 working days from the date of the receipt of the citation, a written notice contesting all violations and proposed penalties, as provided for in § 40.1-49.4 of the *Code of Virginia*; and

WHEREAS, to date, the parties desire to settle this case short of litigation in a manner that will further, protect, and promote the safety and health of the employees of English Construction, and avoid the time and expense of court proceedings;

Now, therefore, upon agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That subject to the conditions described below, the violations and proposed penalties will be amended as follows:

- a. *Serious citation 1 Item 1* is reclassified and affirmed as new *Other Than Serious, Citation 2 Item 1*, and English Construction owes \$495.00 in lieu of the proposed penalty of \$900.00;
- b. *Serious citation 1, Item 2* is reclassified and affirmed as new *Other Than Serious, Citation 2 Item 2*, and English Construction owes \$618.75 in lieu of the proposed penalty of \$1,125.00;
- c. *Serious citation 1, Grouped Item 3a and 3b* is affirmed, while *Citation 1 Sub-Item 1-3c* is vacated, and English Construction owes \$618.75 in lieu of the proposed penalty of \$1,125.00;
- d. *Serious citation 1, Item 4* is affirmed and grouped as *Citation 1, Sub-Item 3d* and the \$1,125.00 proposed penalty is vacated;
- e. *Serious citation 1, Item 5* is affirmed as issued and English Construction owes \$1,925.00 in lieu of the \$3,500 proposed penalty;
- f. *Serious citation 1, Item 6* is vacated, along with the \$675 proposed penalty;
- g. *Serious citation 1, Item 7* is reclassified and affirmed as new *Other Than Serious, Citation 2 Item 3*, and English Construction owes \$495.00 in lieu of the proposed penalty of \$900.00;

These amendments will be made, provided English Construction complies with requirements listed in paragraphs 2 and 3 below;

2. that English Construction shall pay \$4,152.50 to the Commissioner upon execution of this Agreed Order: due within fifteen days of receipt of this Order, and made by check or money order, payable to the Treasurer of Virginia, with the VOSH inspection number 303905111 noted on the payment;

3. that, pursuant to the *VOSH Administrative Regulation Manual* at § 16 VAC 25-60-40, English Construction will post a copy of this Agreed Order at each of its work sites in Virginia for a period of 10 working days, in conspicuous locations where notices to its employees are generally posted;

4. that English Construction certifies that each of the affirmed violations referenced above in this Order have been corrected and abated;

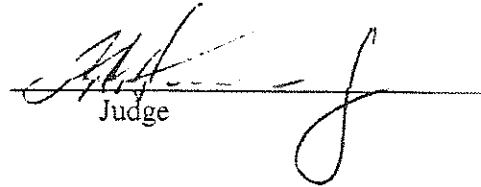
5. that English Construction's failure to comply with the above terms, particularly the terms of paragraphs 2 and 3 above, shall constitute a breach of this Agreed Order; upon the occurrence of any such breach, the original violations and \$9,350.00 in penalties will be affirmed and become a final order of the Commissioner; and any unpaid amount shall become due and payable fifteen (15) days following the breach;

6. that English Construction withdraws its original notice of contest filed with respect to the above-styled case and waives its right to contest the terms contained in this Order;

7. that this Order is meant to compromise and settle the above contested claims, and does not purport to limit the effect of *Virginia Code* § 40.1-51.3:2; and this Order will not be construed as an admission of liability by English Construction of civil liability for any violation alleged by the Commissioner;

8. that the Clerk will strike this matter from the docket of this Court, place it among ended chancery cases, and shall send an attested copy of this Order to both parties.

Entered this 24th day of January, 2005.


Judge

We ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry



Alfred B. Albiston, (VSB # 29851)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219-4101
804.786.6760, Fax 786.8418

Plaintiff's legal counsel

A COPY TESTE:
YVONNE G. SMITH, CLERK

DEPUTY CLERK

Seen and agreed:

ENGLISH CONSTRUCTION COMPANY, INC.



James H. Higginbotham, II (VSB No. 22283)
General Counsel
English Construction Company, Inc.
P. O. Box P-7000
Lynchburg, Virginia 24505-7000
434.845.0301, Fax 845.0306

Defendant's legal counsel

VIRGINIA:

IN THE CIRCUIT COURT OF GREENSVILLE COUNTY

C. RAY DAVENPORT,)
Commissioner of Labor & Industry)

Plaintiff,)

) Chancery No. 03-4672
)

GEORGIA-PACIFIC CORPORATION)

Defendant)

AGREED ORDER

Upon agreement of the parties and for good cause shown, it is hereby ORDERED,

ADJUDGED, and DECREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Subject to the provisions of paragraphs 3-7 herein, Willful Citation 1, item 1 will be amended to a violation of Va. Code § 40.1-49.4, and a penalty in the amount of \$30,000 is affirmed.
 - b. Subject to the provisions of paragraphs 3-7 herein, Willful Citation 1, item 2 will be amended to a violation of Va. Code § 40.1-49.4, and a penalty in the amount of \$30,000 is affirmed.
 - c. Subject to the provisions of paragraphs 3-7 herein, Willful Citation 1, item 3 will be amended to a violation of Va. Code § 40.1-49.4, and a penalty in the amount of \$30,000 is affirmed.
 - d. Repeat Citation 2, item 1 is reduced to serious with a \$3,000 penalty
 - e. Serious Citation 3, item 1 is affirmed with a \$1,000 penalty
 - f. Serious Citation 3, item 2 is affirmed with a \$1,000 penalty
 - g. Serious Citation 3, item 3 is affirmed with a \$1,000 penalty.
 - h. Serious Citation 3, item 4 is affirmed with a \$1,000 penalty

- i. Serious Citation 3, item 5 is affirmed with a \$1,000 penalty
- j. Serious Citation 3, items 6a and 6b are affirmed with a \$1,000 penalty.
- k. Serious Citation 3, items 7a and 7b are affirmed with a \$1,000 penalty.
2. Georgia-Pacific shall pay the penalty of \$100,000.00 within thirty (30) days of the

date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 304540081 noted on the payment.

3. If the conditions listed in paragraph 4 are fully complied with within three years from the date this Order is executed, Willful Citation 1, Items 1, 2 and 3 shall be amended to a violation of Va. Code §40.1-49.4. If Georgia-Pacific chooses not to complete the application process for the Commonwealth's Voluntary Protection Program as referenced in paragraph 4, or if any condition listed in paragraph 4 is not fully complied with within three years of the effective date of this Order, Willful Citation 1, Items 1, 2 and 3 shall be affirmed and become a final order of the Court, not subject to review by any court or agency.

4. Georgia-Pacific agrees that its Skippers facility that was the subject of Virginia Occupational Safety and Health (VOSH) inspection number 304540081 will complete the application process and take all necessary steps to obtain approval from the Department of Labor and Industry to enter the Commonwealth's Voluntary Protection Program (VPP) within three years of the effective date of this Order.

5. Provided that all VPP application steps have been fully completed by Georgia-Pacific's Skippers Plant, the Commonwealth agrees to make a final determination on whether it will approve or deny VPP status for the Skippers facility within three years from the effective date of this Order.

6. The parties recognize that due to unforeseen circumstances, and despite substantial compliance by both parties with the terms of paragraph 4, that completion of the VPP application and approval/denial process might exceed the three year time period specified for completion. In that event, and with the written agreement of both parties, the time period for completion can be extended for a single period of an additional six months.

7. This court retains jurisdiction over the parties and this action to enforce the terms of this order and the parties' agreement. Should either party believe that the other party has materially failed to comply with any term thereof or to have failed to comply with the agreement in good faith, the aggrieved party shall provide written notice to the other party stating the nature of the alleged noncompliance. The parties agree that the alleged noncompliance will be addressed through good faith negotiations. If the parties cannot thereafter resolve their disagreement, said dispute and its accompanying written record may be submitted to this court for resolution.

8. Georgia-Pacific certifies that the violations alleged in this agreement have been abated. **If not already provided**, the Employer agrees to provide to the Commissioner within thirty (30) days of the effective date of this agreement documentation verifying abatement of each violation affirmed in this agreement. The documentation shall comply with §307.E.2. of the Virginia Occupational Safety and Health (VOSH) Administrative Regulations Manual, which states that "Documents demonstrating that abatement is complete may include, but are not limited to, evidence of purchase or repair of equipment, photographic or video evidence of abatement, or other written records." The documentation shall be provided to:

Lloyd Bolt
Compliance Manager

Virginia Department of Labor and Industry
Interstate Corporate Center, Bldg. 6
6363 Center Drive, 101
Norfolk, VA 23502

9. As further consideration for the modification of the terms of the original citation, Georgia-Pacific agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

10. Georgia-Pacific shall post a copy of this Order for a period of thirty (30) days at the worksite that was the subject of this case in a conspicuous location where notices to its employees are generally posted.

11. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Georgia-Pacific. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.

12. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both counsel of record.

Entered this 17 day of March, 2005.



Judge

WE ASK FOR THIS:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 

Diane L. Duell (VSB No. 27285)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.4289
804.786.8418 (fax)

By: 

Richard D. Haygood
KILPATRICK STOCKTON LLP
3737 Glenwood Avenue, Suite 400
Raleigh, North Carolina 27612
919.420.1700
919.420.1800 (fax)

By: 

C. Butler Barrett
OUTTEN, BARRETT & WHITBY, P.C.
314 South Main Street
Emporia, Virginia 23847
434.634.2167
434.634.3798 (fax)

Counsel for Georgia-Pacific Corporation

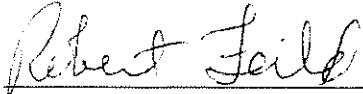
I certify that this document in which this authentication is
affixed is a true copy of a record in Circuit Court ~~Greensville~~
County, that I have custody of this record, and that I am the
custodian of that record.

Robert C. Whinn, Clerk

By:  Date: 3/29/05
Deputy Clerk

I ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry


A handwritten signature in cursive script that reads "Robert Feild". The signature is written in black ink and is positioned above a horizontal line.

Robert Feild (VSB# 23864)
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
804-786-4777, Fax 804-786-8418

future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.

8. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both counsel of record.

Entered this 24 day of Jan., 2005.



Judge

WE ASK FOR THIS:

C. RAY DAVENPORT,
Commissioner of Labor and Industry

By: 


Counsel for Plaintiff

1-10-05
Date

Robert B. Feild
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
(804) 786-4777 (phone)
(804) 786-8418 (fax)

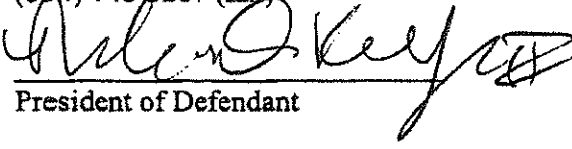
SEEN AND AGREED TO:

HYDRO-TAP SERVICES, INC.,

By: 
Counsel for Defendant

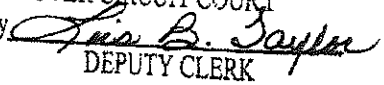
1/3/04
Date

Thomas L. Gordon
Gordon, Dodson & Gordon
10303 Memory Lane, Suite 101
P.O. Box 130
Chesterfield, VA 23832
(804) 748-8153 (phone)
(804) 748-3287 (fax)


President of Defendant

12-30-04
Date

Nelson D. Kyle
President
Hydro-Tap Services, Inc.
12300 Ivey Mill Road
Chesterfield, VA 23832

A COPY TESTE
FRANK D. HARGROVE, JR. CLERK
HANOVER CIRCUIT COURT
By: 
DEPUTY CLERK

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
v.	)	Chancery No. CH03-462
)	
JACOB L. ADAMS, INCORPORATED,)	
<i>Defendant.</i>)	

ORDER

This matter came before the Court on Commissioner C. Ray Davenport's ("Commissioner") Motion for Nonsuit as a matter of right pursuant to Va. Code § 8.01-380, and IT APPEARING that on April 18, 2003, the Commissioner filed a bill of complaint against Jacob L. Adams, Inc., that no nonsuit has been taken to this cause, and that the defendant, Jacob L. Adams, Inc., has not filed a cross-bill, it is therefore ADJUDGED, ORDERED AND DECREED that the Commissioner's motion is GRANTED and that this matter be and hereby is nonsuited without prejudice as a matter of right pursuant to Va. Code § 8.01-380. It is FURTHERMORE ORDERED that the Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.

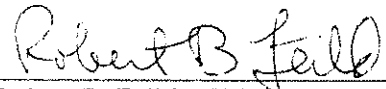
Enter: Sam H. Ball
 Judge

Date: 6/29/05

A COPY TESTE:
 YVONNE G. SMITH, CLERK
Yvonne G. Smith
 DEPUTY CLERK

I ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry

A handwritten signature in cursive script that reads "Robert B. Feild". The signature is written in black ink and is positioned above a horizontal line.

Robert B. Feild (VSB# 23864)
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
804-786-4777, Fax 804-786-8418

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE EDWARD COUNTY

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
)	
v.	)	Chancery No. CH03000076-00
)	
J. E. JAMERSON & SONS, INCORPORATED)	
<i>Defendant.</i>)	

AGREED FINAL ORDER

WHEREAS, on or about September 24, 2002, Commissioner C. Ray Davenport (“Commissioner”) issued two citations to the defendant J. E. Jamerson & Sons, Incorporated (“Jamerson”) alleging three Serious and two Non-Serious violations of the *Virginia Occupational Safety and Health (VOSH) Standards for the Construction Industry*, and proposing combined civil penalties of \$1,750. (A copy of the citations identified as VOSH inspection number 304779358 is attached to the Bill of Complaint); and

WHEREAS, Jamerson filed, within 15 working days from the date of the receipt of the citations, a written notice contesting all violations and proposed penalties, as provided for in § 40.1-49.4 of the *Code of Virginia*; and

WHEREAS, to date, the parties desire to settle this case short of litigation in a manner that will further, protect, and promote the safety and health of the employees of Jamerson, and avoid the time and expense of court proceedings;

Now, therefore, upon agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That subject to the conditions described below, the violations and proposed penalties will be amended as follows:

- a. *Serious citation 1 Item 1* is reclassified and affirmed as new *Other Than Serious, Citation 2 Item 3*, and Jamerson owes \$200 in lieu of the proposed penalty of \$500;
- b. *Serious citation 1, Grouped Item 2a-c* is reclassified and affirmed as new *Other Than Serious, Citation 2 Item 4a-c*, and Jamerson owes \$100 in lieu of the proposed penalty of \$375;
- c. *Serious citation 1, Grouped Item 3a-b* is affirmed as issued and Jamerson owes the \$625 proposed penalty;
- d. *Other than Serious citation 2, Item 1* is affirmed as issued with no proposed penalty;
- e. *Other than Serious citation 2, Item 2* is affirmed as issued and Jamerson owes \$75 in lieu of the \$250 proposed penalty;

These amendments will be made, provided Jamerson complies with requirements listed in paragraphs 2 and 3 below;

2. that Jamerson shall pay \$1,000 to the Commissioner upon execution of this Agreed Order; due within fifteen days of receipt of this Order, and made by check or money order, payable to the Treasurer of Virginia, with the VOSH inspection number 304779358 noted on the payment;

3. that, pursuant to the *VOSH Administrative Regulation Manual* at § 16 VAC 25-60-40, Jamerson will post a copy of this Agreed Order at each of its work sites in Prince Edward County, Virginia for a period of 10 working days, in conspicuous locations where notices to its employees are generally posted;

4. that Jamerson certifies that each of the affirmed violations referenced above in this Order

have been corrected and abated;

5. that Jamerson's failure to comply with the above terms, particularly the terms of paragraphs 2 and 3 above, shall constitute a breach of this Agreed Order; upon the occurrence of any such breach, the original violations and \$1,750 in penalties will be affirmed and become a final order of the Commissioner; and any unpaid amount shall become due and payable 15 days following the breach;

6. that Jamerson withdraws its original notice of contest filed with respect to the above-styled case and waives its right to contest the terms contained in this Order;

7. that this Order is meant to compromise and settle the above contested claims, and does not purport to limit the effect of *Virginia Code* § 40.1-51.3:2; and this Order will not be construed as an admission of liability by Jamerson of civil liability for any violation alleged by the Commissioner;

8. that the Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.

Entered this 3rd day of JANUARY, 2005
~~December, 2004.~~



Judge

A TRUE COPY - Teste
Earline R. Blossing Clerk
By Raynette Cole, D.C.

We ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry



Alfred B. Albiston, (VSB # 29851)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219-4101
804.786.6760, Fax 786.8418
Plaintiff's legal counsel

Seen and agreed:

J. E. JAMERSON & SONS, INCORPORATED



Thomas W. Lawson, Esquire
505 Court Street
P. O. Box 757
Appomattox, Virginia, 24533
434.352.7165, Fax 352.8666
VSB No. 14600
Defendant's legal counsel

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF MONTGOMERY

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
)	
v.	)	Chancery No. V-16778
)	
J. E. JAMERSON & SONS, INCORPORATED,)	
<i>Defendant.</i>)	

AGREED FINAL ORDER

WHEREAS, on or about August 29, 2000, March 27, 2001, and August 16, 2001, Commissioner C. Ray Davenport issued three sets of citations to the defendant J. E. Jamerson & Sons, Incorporated (Jamerson) alleging a combined total of eleven (11) Serious and one (1) Other Than Serious violations of the *Virginia Occupational Safety and Health (VOSH) Standards for the Construction Industry*, and proposing total penalties of \$21,125. (A copy of the citations identified as VOSH inspection numbers 303249437, 304131568 , and 304537855 was attached to the Commissioner's Bill of Complaint); and

WHEREAS, Jamerson filed, within 15 working days from the date of the receipt of each set of citations, written notices contesting all violations and proposed penalties, as provided for in § 40.1-49.4 of the *Code of Virginia*; and

WHEREAS, to date, the parties desire to settle this case short of litigation in a manner that will further, protect, and promote the safety and health of the employees of Jamerson, and avoid the time and expense of court proceedings;

Now, therefore, upon agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That subject to the conditions described below, the violations and proposed penalties issued August 29, 2000, arising from VOSH inspection number 303249437 will be amended as follows:

- a. *Serious citation 1, Item 1* is amended and upheld as *Other Than Serious Citation 2, Item 2* and Jamerson owes \$250 in lieu of the proposed penalty of \$1,125,
- b. *Serious citation 1, Item 2* is affirmed as issued and Jamerson owes \$600 in lieu of the proposed penalty of \$1,125,
- c. *Serious citation 1, Item 3* is amended and renamed *Other Than Serious Citation 2, Item 3a* and the proposed penalty of \$900 is vacated,
- d. *Serious citation 1, Item 4* is amended and renamed *Other Than Serious Citation 2, Sub-Item 3b* and the proposed penalty of \$3,000 is vacated,
- e. *Serious citation 1, Item 5* is affirmed as issued and Jamerson owes \$600 in lieu of the proposed penalty of \$1,125, and
- f. *Other Than Serious citation 2, Item 1* is affirmed as issued with no penalty.

2. That subject to the conditions described below, the violations and proposed penalties issued March 27, 2001, arising from VOSH inspection number 304131568 will be amended as follows:

- a. *Serious citation 1, Item 1* is amended and upheld as *Other Than Serious Citation 2, Item 1* and Jamerson owes \$2,250 in lieu of the proposed penalty of \$4,000,

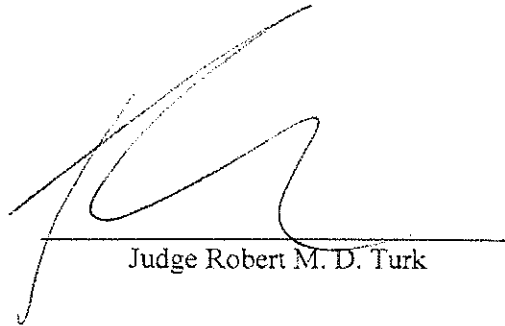
- b. *Serious citation 1, Item 2* is affirmed as issued and Jamerson owes \$2,250 in lieu of the proposed penalty of \$4,000, and
 - c. *Serious citation 1, Item 3* and the proposed penalty of \$975 are vacated.
3. That subject to the conditions described below, the violations and proposed penalties issued August 16, 2001, arising from VOSH inspection number 304537855 will be amended as follows:
- a. *Serious citation 1, Item 1* is affirmed and renamed as *Citation 1, Sub-Item 1a* and Jamerson owes the proposed penalty of \$1,625,
 - b. *Serious citation 1, Item 2* is affirmed and renamed *Citation 1, Sub-Item 1b* and the proposed penalty of \$1,625 is vacated, and
 - c. *Serious citation 1, Item 3* is amended and upheld as *Other Than Serious Citation 2, Item 1* and Jamerson owes \$1,300 in lieu of the proposed penalty of \$1,625.
4. that Jamerson shall pay \$8,875 to the Commissioner upon execution of this Agreed Order; due within fifteen days of receipt of this Order, and made by check or money order, payable to the Treasurer of Virginia, with the three VOSH inspection numbers 303249437, 304131568, and 304537855 noted on the payment;
5. that, pursuant to the *VOSH Administrative Regulation Manual* at § 16 VAC 25-60-40, Jamerson will post a copy of this Agreed Order at each of its work sites in Montgomery County, Virginia for a period of 10 working days, in conspicuous locations where notices to its employees are generally posted;
6. that Jamerson certifies that each of the affirmed violations referenced above in this Order have been abated;

7. that Jamerson withdraws each of its three original notices of contest filed with respect to the above-styled case and waives its right to contest the terms contained in this Order;

8. that this Order is meant to compromise and settle the above contested claims, and does not purport to limit the effect of *Virginia Code* § 40.1-51.3:2; and this Order will not be construed as an admission of liability by Jamerson of liability for any violation alleged by the Commissioner;

9. that the Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.


Entered this 24 day of February, 2005.



Judge Robert M. D. Turk

We ask for this:

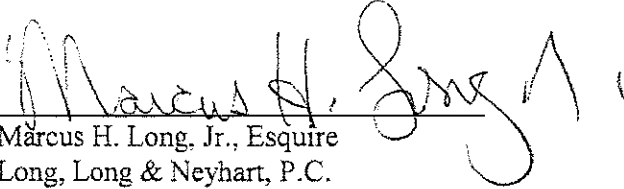
C. RAY DAVENPORT,
Commissioner of Labor and Industry



Alfred B. Albiston, (VSB # 29851)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219-4101
804-786-6760, Fax 786-8418
Counsel for Plaintiff

Seen and agreed:

J. E. JAMERSON & SONS, INCORPORATED



Marcus H. Long, Jr., Esquire
Long, Long & Neyhart, P.C.
P. O. Box 196
Blacksburg, Virginia 24063-0196
540-552-1811, Fax 552-7344
Counsel for Defendant

A Copy – Testis:

ALLAN C. BURKE

Circuit Court Montgomery County, Virginia

By: Diana Vawter, Deputy Clerk

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff,

v.

Chancery No. CH04-127

JOHN S. CLARK CO., INC.

Defendant.

AGREED FINAL ORDER

WHEREAS, on or about April 3, 2003, Commissioner C. Ray Davenport issued a citation to the defendant, John S. Clark Co., Inc. alleging serious and other-than-serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$4,400.00;

WHEREAS, John S. Clark Co., Inc. within 15 working days from the date of the receipt of the citation, filed a written notice contesting the citation and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, Item 1, Va. Code § 40.1-51.1.A is vacated, along with the assessed penalty of \$875.00;
 - b. Citation 2, items 1a through 1c remain serious as cited. The assessed penalty of \$1100 is reduced to \$660.00;
 - c. Citation 2, item 2 remains serious as cited. The assessed penalty of \$1375.00 is reduced to \$825.00;

- d. Citation 3, item 1 remains Other-Than-Serious as cited. The assessed penalty of \$550.00 is reduced to \$330.00;
 - e. Citation 3, item 2 remains Other-Than-Serious as cited with no penalty;
 - f. Citation 3, items 3a through 3c remain Other-Than-Serious as cited. The assessed penalty of \$550.00 is reduced to \$330.00; and
 - g. Citation 3, item 4 remains Other-Than-Serious as cited with no penalty.
2. John S. Clark Co., Inc. shall pay the total penalty of \$2,145.00 within thirty (30) days of the date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 305664732 noted on the payment.
 3. John S. Clark Co., Inc. certifies that the affirmed violations referenced above in this Order have been corrected and abated.
 4. As further consideration for the modification of the terms of the original citation, John S. Clark Co., Inc. agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.
 5. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by John S. Clark Co., Inc. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. This order shall be construed to advance the purpose of Code § 40.1-3.
 6. Each party will bear its own costs in this matter.
 7. The Clerk shall strike this matter from the docket and place it among the ended Chancery

cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and defense counsel.

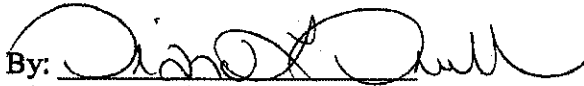
Entered this 26 day of September, 2005



Judge Herbert C. Gill, Jr.

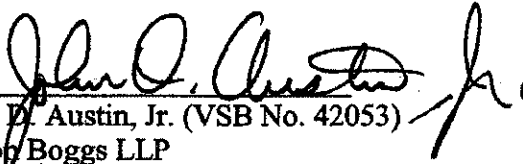
We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry


By: 
Diane L. Duell (VSB No. 27285)
Virginia Department of Labor & Industry
Special Assistant Commonwealth's Attorney
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.4289
804.786.8418 (Fax)

Counsel for Commissioner C. Ray Davenport

John S. Clark Co., Inc.

By: 
John E. Austin, Jr. (VSB No. 42053)
Patton Boggs LLP
2550 M Street, N.W.
Washington, D.C. 20037
202.457.6000
202.457.6315 (Fax)

Counsel for John S. Clark Co., Inc.

A COPY TESTE:
JUDY L. WORTHINGTON, CLERK
BY 
DEPUTY CLERK

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
)	
v.	)	Chancery No. 02000443
)	
J. SANDERS CONSTRUCTION CO.,)	
<i>Defendant.</i>)	

AGREED ORDER

WHEREAS, on or about February 12, 2001, the Commissioner issued citations to the defendant J. Sanders Construction Co., (J. Sanders) alleging one Willful, three Serious, and one Other Than Serious violations of the Virginia Occupational Safety and Health (VOSH) Standards for the Construction Industry, and proposing a total penalty of \$35,700.00. (A copy of the citations identified as VOSH inspection number 303262711 is attached); and

WHEREAS, J. Sanders filed, within 15 working days from the date of the receipt of the citation, a written notice contesting all violations and proposed penalties, as provided for in *Virginia Code* § 40.1-49.4; and

WHEREAS, to date, the parties desire to settle this case, and other related matters, short of further litigation in a manner that will further, protect, and promote the safety and health of the employees of J. Sanders and avoid the time and expense of court proceedings;

Now, therefore, upon agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. J. Sanders withdraws its notice of the citations, except as to the penalties therefore, which the parties have agreed to adjust to the total sum of \$12,250.00, payable as follows:

- a. J. Sanders shall pay \$1,250.00 to the Commissioner upon the entry of this order.
 - b. J. Sanders shall thereafter pay the balance to the Commissioner in eleven (11) equal monthly payments of \$1,000, to be paid no later than the fifth (5th) day of each month; provided, however, that J. Sanders may prepay any remaining balance due at any time. Payment may be made by check or money order, payable to the treasurer of Virginia, with the VOSH inspection number 30326711 noted on the payment.
2. In consideration of the reduced penalty, J. Sanders agrees to and shall implement the following measures within sixty (60) days of the entry date of this order:
- a. J. Sanders, with assistance from the Department of Labor and Industry's Division of VOSH Consultation, will develop, implement and maintain a written safety program establishing policies and procedures for recognizing and protecting employees from workplace safety and health hazards. This program, at a minimum, shall comply with federal OSHA's Occupational Safety and Health Program Management Guidelines, 54 Fed. Reg. 3,904 (1989), and shall address the following subjects:
 - (i) management commitment to safety and a mechanism for employee involvement;
 - (ii) construction work site analysis;
 - (iii) hazard recognition, prevention and control; and
 - (iv) safety and health training.

This safety program shall emphasize hazard prevention and control. An essential component of this program shall be that hazards which are detected must be corrected in a timely and reasonable manner.
 - b. J. Sanders will make its employees' safety and health of one of its top corporate priorities and require all management and supervisory personnel to treat the subject

accordingly.

c. The written safety program will list and discuss the respective responsibilities of J. Sanders' management and supervisors, lead persons and field employees, with respect to safety on the work site. Authority and responsibilities for enforcing safety rules will be given to supervisors and lead persons. J. Sanders' management must delegate authority to its safety officer and job superintendents to issue internal citations or reports for violations of safety and health rules. Additionally, this must include the authority to halt unsafe work which is likely to cause injury or death, when it is observed by them on the work site.

d. J. Sanders will develop, within its written safety program, an internal system of enforcing employer and state safety and health rules and regulations, and provide for progressively severe internal penalties culminating in the option of removal of the unsafe employee from his or her employment upon occurrence of a third repeat violation. This enforcement system shall apply equally to all J. Sanders' employees, both management and field personnel.

e. J. Sanders will institute safety meetings on at least a monthly basis to discuss the hazards its employees are exposed to while performing their individual job duties and the corresponding safe practices. As part of these meetings, employees will be encouraged to notify management, without fear of reprisal, of any unsafe condition which may exist in their work area. J. Sanders will address such concerns within a reasonable time period. J. Sanders also shall provide for investigation of accidents and "near miss" incidents so that their causes and means for prevention can be identified and discussed with employees at

these meetings.

f. As part of the above safety and health program, J. Sanders agrees to insure periodic monitoring of its work sites by a qualified person to determine that its operations, including its supervisors, are in compliance with all applicable VOSH regulations.

g. Copies of this written safety program, including all the requirements of provisions a) through f), shall be provided to the Commissioner for review within 90 days of the effective date of this agreement. This documentation shall be sent to:

Compliance Manager
Virginia Department of Labor and Industry
Richmond Regional Office
North Run Business Park
1570 E. Parham Road
Richmond, VA 23228-2360
(804) 371-3104 tel
(804) 371-3166 fax

3. J. Sanders certifies that all violations affirmed in this Agreed Order have been abated.

4. J. Sanders will post a copy of this Agreed Order for a period of 10 consecutive working days at each of its work sites in Virginia, or at conspicuous locations where notices to all its employees in Virginia are generally posted, in compliance with the *VOSH Administrative Regulations Manual* § 16 VAC 25-60-40(1).

5. This court retains jurisdiction over the parties and this action to enforce the terms of this order and the parties' agreement. Should the Commissioner believe Sanders Construction has materially failed to comply with any term hereof, the Commissioner shall provide written notice to J. Sanders stating the nature of the alleged noncompliance. Written notice shall be provided to

J. Sanders' corporate office with a copy to its counsel of record herein. Within ten (10) working days following its actual receipt of said written notice of noncompliance from the Commissioner, J. Sanders shall either cure the alleged noncompliance or contest the noncompliance in writing to the Commissioner, with copy to the Commissioner's counsel of record herein. If the parties cannot thereafter resolve their disagreement, said dispute and its accompanying written record may be submitted to this court for resolution. Should the court determine there is a material noncompliance with this order, the court shall order J. Sanders to correct the noncompliance. Should the court determine there is not a material noncompliance with this order, the court shall deny relief. The prevailing party shall be entitled to recover costs with respect to such proceeding in the discretion of the court.

6. This Order is meant to compromise and settle the above contested claims, and does not purport to limit the effect of *Virginia Code* § 40.1-51.3:2; and this Order will not be construed as an admission of liability by J. Sanders of civil liability for any violation alleged by the Commissioner; this agreement may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia;

7. The Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.

Entered this 24 day of ^{Jan}~~December~~, 2005.


The Hon. John R. Alderman

We ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry

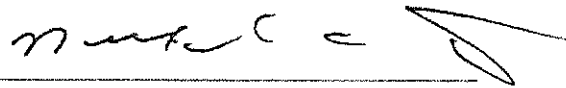


Plaintiff's Counsel

Alfred B. Albiston (VSB # 29851)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219
804/786-6760, Fax 786-4318

Seen and agreed:

J. SANDERS CONSTRUCTION CO.



Defense Counsel

Neil S. Lowenstein, Esquire
Vandeventer Black, LLP
500 World Trade Center
Norfolk, Virginia, 23510-1699
757.446.8672. fax 446.8670



CLERK

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF LOUISA

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff

v.

Chancery No. CH6832

**LAKESIDE ELECTRICAL
CONTRACTORS, INC.**

Defendant.

AGREED ORDER

WHEREAS, on or about January 24, 2003 the Commissioner issued a Citation to the Defendant, Lakeside Electrical Contractors, Inc., alleging three serious and one other-than-serious violation(s) of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$26,000.00;

WHEREAS, Lakeside Electrical Contractors, Inc., within 15 working days from the date of the receipt of the citation, filed a written notice contesting the violations and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, item 1 is vacated, along with the \$7,000.00 penalty;
 - b. Citation 1, Item 2 remains serious as cited with a \$7,000.00 penalty;
 - c. Citation 1, Item 3 is vacated, along with the \$7,000.00 penalty; and

d. Citation 2, item 1 remains other-than serious as cited. The penalty is reduced from \$5,000.00 to \$3,000.00.

2. The total penalty due of \$10,000.00 shall be paid as follows:

a. The Employer shall remit \$1200.00 to the Commonwealth within fifteen (15) days of entry of this Agreed Order. Payment shall be made by check or money order, and shall be payable to the Treasurer of Virginia, with VOSH Inspection No. 305263014 noted on the payment.

b. The employer shall pay the remaining penalty in eleven (11) monthly installments of \$800.00 on the first day of each month. The remaining payments are due beginning on January 1, 2006. The final payment is due on November 1, 2006.

3. As part of the settlement of this citation, Lakeside Electrical Contractors, Inc., shall have all of its employees attend an eight (8) hour training course on electrical hazards and job safety. The course will be conducted by an outside training consultant approved by the Department. Lakeside Electrical Contractors, Inc., shall bear the cost of training. This training session must be completed within six (6) months of the date of the Order. Documentation verifying training for the employees shall be provided to:

James R. Garrett, Jr., VOSH Compliance Manager
Virginia Department of Labor and Industry
North Run Business Park
1570 Parham Road
Richmond, VA 23228-2360

4. As further consideration for the modification of the terms of the original contest, Lakeside Electrical Contractors, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

5. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Lakeside

Electrical Contractors, Inc., shall post a copy of this order for ten (10) consecutive days at its workplace in Virginia in a conspicuous location where notices to employees generally are posted.

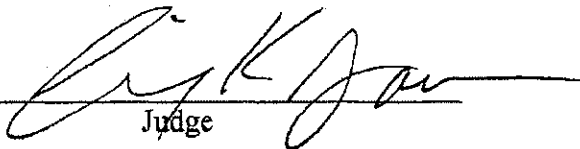
6. Lakeside Electrical Contractors, Inc., certifies that the violations alleged in this agreement have been abated.

7. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Lakeside Electrical Contractors. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. For purposes of any such future enforcement proceeding or action and for the imposition of any penalty proposed under Va. Code §40.1-49.4(J) only, the final order date of the violations is January 9, 2004. This order shall be construed to advance the purpose of Code § 40.1-3.

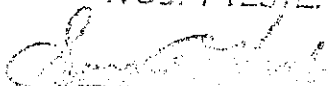
8. Each party will bear its own costs in this matter.

9. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

Entered this 4th day of December, 2005.



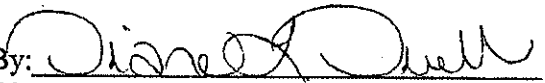
Judge

A COPY TESTE:


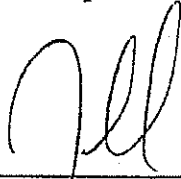
CLERK
LOUISIANA COUNTY

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 
Diane L. Duell (VSB No. 27285)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, VA 23219-4101
804.786.4289
804.786.8418 (fax)

Counsel for C. Ray Davenport, Commissioner,
Virginia Department of Labor & Industry


By: _____
James F. Neale (VSB No. 43060)
McGUIRE WOODS, LLP
Court Square Building
310 Fourth Street, N.E., Suite 300
Charlottesville, Virginia 22902
804.977.2582
804.980.2263 (fax)

Counsel for Lakeside Electrical Contractors, Inc.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FAUQUIER

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff

v.

Chancery No. CH03-03

MILLER BROTHERS , INC.

Defendant.

AGREED ORDER

WHEREAS, on or about December 13, 1999, the Commissioner issued a Citation to the Defendant, Miller Brothers, Inc., alleging four serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$4375.00;

WHEREAS, Miller Brothers, Inc., within 15 working days from the date of the receipt of the citation, filed a written notice contesting the violations and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby

ADJUDGED, ORDERED, and DECREED as follows: 1. That the citation attached to the Bill of Complaint is hereby amended as follows:

- a. Citation 1, item 1 remains serious as cited, with a \$2500.00 penalty;
- b. Citation 1, Item 2 is reduced from a serious to an other-than-serious violation with a \$625.00 penalty
- c. Citation 1, Item 3 is reduced from a serious to an other-than-serious violation with a \$625.00 penalty; and

d. Citation 1, item 4 and is reduced from a serious to an other-than-serious violation with a \$625.00 penalty.

2. Miller Brothers, Inc., shall pay the penalty of \$4375.00 within thirty (30) days of the date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 301810941 noted on the payment.

3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Miller Brothers, Inc., shall post a copy of this order for ten (10) consecutive days at its workplace in Virginia in a conspicuous location where notices to employees generally are posted.

4. Miller Brothers, Inc., certifies that the violations alleged in this agreement have been abated.

5. As further consideration for the modification of the terms of the original citation, Miller Brothers, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

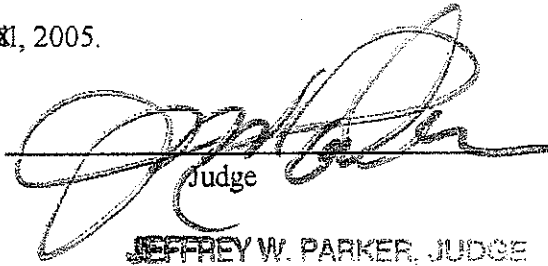
6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Miller Brothers, Inc. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may not be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. This order shall be construed to advance the purpose of Code § 40.1-3.

7. Each party will bear its own costs in this matter.

8. The Clerk shall strike this matter from the docket and place it among the ended

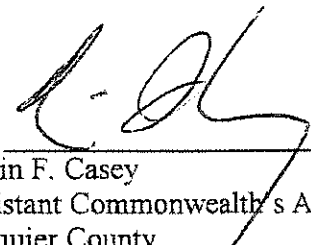
Chancery cases. The Clerk shall certify copies of this order to the Assistant Commonwealth's Attorney and the Defendant's counsel.

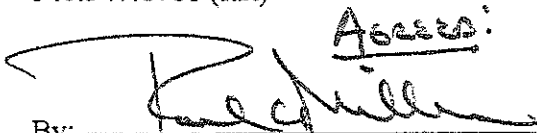
Entered this 3 day of ~~April~~^{MAY}, 2005.


Judge
JEFFREY W. PARKER, JUDGE

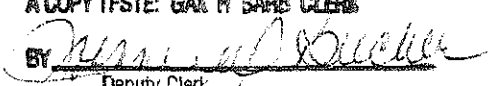
IP
We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 
Kevin F. Casey
Assistant Commonwealth's Attorney
Fauquier County
70 Main Street, 4th Floor
Warrenton, Virginia 20186
540.347.8684
540.347.8781 (fax)

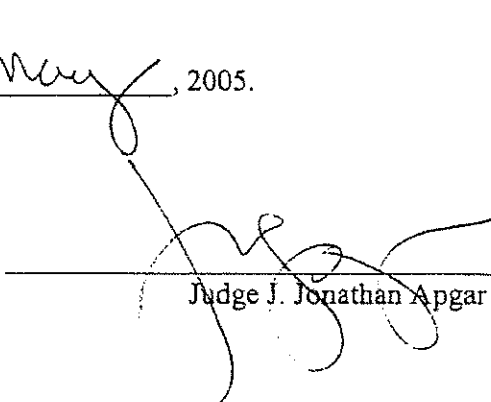
By: 
Paul C. Miller (VSB No. 31044)
P.O. Box 1853
Annandale, Virginia 22003
703.280.0037
703.280.0035 (fax)

Counsel for Miller Brothers, Inc.

A COPY TFSTE: GAIL H SARB CLERK
BY 
Deputy Clerk
FAUQUIER COUNTY CIRCUIT COURT, VA.

13. Other-than-serious citation 2, item 1 is affirmed with no penalty.
14. Office Outlet, Inc., shall pay the sum of \$4,650.00 in the form of a check or money order, payable to the "Treasurer of Virginia," with inspection number 306303512 noted thereon, within 30 days of the date this Order is executed.
4. Office Outlet, Inc., certifies that the violations alleged in this agreement have been abated.
5. As further consideration for the modification of the terms of the original citation, Office Outlet, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.
6. Office Outlet, Inc., shall post a copy of this Order for a period of thirty (30) days at its office where notices to its employees are generally posted.
7. This Order is meant to settle the above contested claims. Under Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.
8. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both counsel of record.

Entered this 10th day of May, 2005.



Judge J. Jonathan Apgar

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF PORTSMOUTH

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff

v.

Chancery No. C-02-732

PEPPERDINE CORPORATION

Defendant.

AGREED ORDER

WHEREAS, on or about February 20, 2002, the Commissioner issued a Citation to the Defendant, Pepperdine Corporation, alleging one willful and eight serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$22,700.00;

WHEREAS, Pepperdine Corporation, within 15 working days from the date of the receipt of the citation, filed a written notice contesting the violations and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, item 1 is reduced from a willful to a serious violation. The assessed penalty of \$15,000 is reduced to \$1500;
 - b. Serious Citation 2, Item 1 is grouped with Serious Citation 2, item 2. The assessed penalty is \$800;

- c. Serious Citation 2, Item 3, is grouped with Citation 2, items 5a, 5b and 6. The assessed penalty is \$1500;
- d. Serious Citation 2, item 4 and the penalty of \$450 remain unchanged, and;
- e. Serious Citation 2, Items 7a and 7b are grouped with Citation 2, Item 8. The assessed penalty is \$1500

2. Pepperdine Corporation shall pay the penalty of \$5750.00 within thirty (30) days of the date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 304539976 noted on the payment.

3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Pepperdine Corporation shall post a copy of this order for ten (10) consecutive days at its workplace in Virginia in a conspicuous location where notices to employees generally are posted.

4. Pepperdine Corporation certifies that the violations alleged in this agreement have been abated. **If not already provided**, the Employer agrees to provide to the Commissioner within thirty (30) days of the effective date of this agreement documentation verifying abatement of each violation affirmed in this agreement. The documentation shall comply with §307.E.2. of the Virginia Occupational Safety and Health (VOSH) Administrative Regulations Manual, which states that "Documents demonstrating that abatement is complete may include, but are not limited to, evidence of purchase or repair of equipment, photographic or video evidence of abatement, or other written records." The documentation shall be provided to:

Lloyd Bolt
Compliance Manager
Virginia Department of Labor and Industry
Interstate Corporate Center, Bldg. 6
6363 Center Drive, 101
Norfolk, VA 23502

5. As further consideration for the modification of the terms of the original citation, Pepperdine Corporation agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Pepperdine Corporation. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. This order shall be construed to advance the purpose of Code § 40.1-3.

7. Each party will bear its own costs in this matter.

8. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

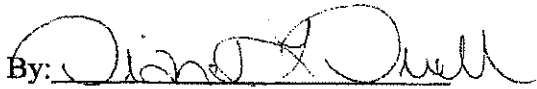
Entered this ⁷~~26~~ day of ~~March~~^{April}, 2005.



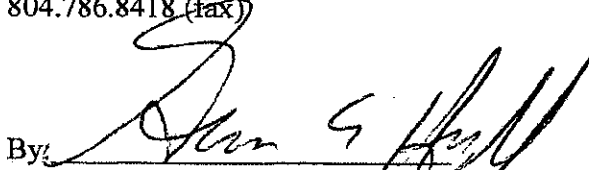
Judge

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 

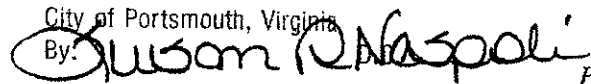
Diane L. Duell (VSB No. 27285)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.4289
804.786.8418 (fax)

By: 

Glen A. Huff (VSB No. 16272)
HUFF, POOLE & MAHONEY, P.C.
4705 Columbus Street
Virginia Beach, Virginia 23462
757.499.1841
757.552.6016 (fax)

Counsel for Pepperdine Corporation

A copy, Teste: Cynthia P. Morrison
Clerk of the Circuit Court of the
City of Portsmouth, Virginia

By: 

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF BEDFORD

C. RAY DAVENPORT, Commissioner of)
Labor and Industry,)
)
Plaintiff,)
v.)
R.W.S. CONSTRUCTION, INC,)
)
Defendant.)

CHANCERY NO. CH04-21271

February 24, 2005

AGREED ORDER

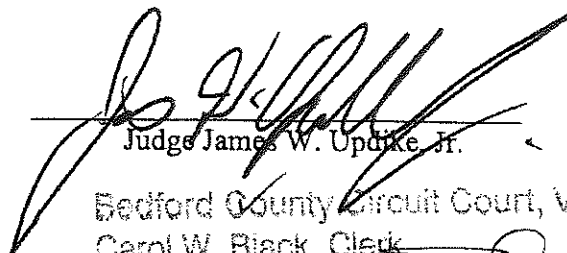
Upon agreement of the parties and for good cause shown, it is hereby ORDERED,
ADJUDGED, and DECREED as follows:

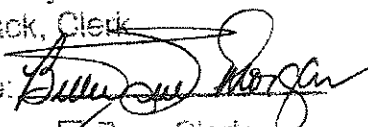
1. a. Serious Citation 1, Item 1 is affirmed with a penalty of \$800.00;
b. Serious Citation 1, Item 2 is reclassified as Other-than-serious Citation 2, Item 1 and affirmed with a penalty of \$200.00;
c. Serious Citation 1, Item 2 is reclassified as Other-than-serious Citation 2, Item 3 and affirmed with a penalty of \$200.00.
2. R.W.S. Construction, Inc. shall pay the sum of \$1,200.00 in the form of a check or money order, payable to the "Treasurer of Virginia," with inspection number 305670358 noted thereon, within 30 days of the date this order is entered.
3. R.W.S. Construction, Inc. certifies that the violations affirmed in this Order have been abated;
4. As further consideration for the modification of the terms of the original citation, R.W.S.

Construction, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

5. R.W.S. Construction, Inc., shall post a copy of this Order for thirty consecutive days, beginning from the date of entry of this Order, at its workplaces in Virginia in a conspicuous location where notices to its employees are generally posted;
6. This Order is meant to settle the above contested claims, and none of the foregoing agreements, statements or actions taken by R.W.S. Construction, Inc. shall be deemed an admission by the R.W.S. Construction, Inc. of any of the allegations contained in VOSH Inspection Number 305670358. Under Virginia Code § 40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. The agreements, statements and actions taken herein are made solely for the purpose of settling this matter economically and amicably without further litigation and this Order shall not be used for any other purpose other than for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.
7. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this order to both counsel of record.

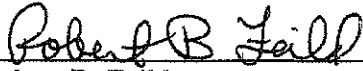
Entered this 24th day of February 2005.



Judge James W. Uptake, Jr.
Bedford County Circuit Court, VA
Carol W. Black, Clerk
A copy teste: 
 Clerk Dep. Clerk

WE ASK FOR THIS:

C. RAY DAVENPORT, Commissioner of Labor and Industry



Robert B. Feild
Special Assistant Commonwealth's Attorney
City of Richmond
13 South Thirteenth Street
Richmond, Virginia 23219
Telephone: (804) 786-4777
Facsimile: (804) 786-8418

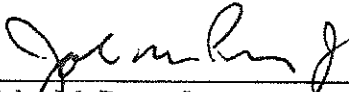
2-23-05

Date

Counsel for Commissioner Davenport

SEEN AND AGREED:

R.W.S. CONSTRUCTION, INC.



John M. Perry, Jr.
Edmunds & Williams
800 Main Street, Suite 400
P.O. Box 958
Lynchburg, Virginia 24505-0958
Telephone: (434) 846-9000
Facsimile: (434) 846-0337

2-17-05

Date

Counsel for R.W.S. Construction, Inc.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF AMELIA

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff

v.

Chancery No. CH05-51

SCOTT PALLETS, INC.

Defendant.

AGREED ORDER

WHEREAS, on or about May 11, 2005, the Commissioner issued a Citation to the Defendant, Scott Pallets, Inc., alleging eight serious violations and four other than serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$3,750;

WHEREAS, Scott Pallets, Inc., within 15 working days from the date of the receipt of the citation, filed a written notice contesting the violations and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby **ADJUDGED, ORDERED, and DECREED** as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, item 1 remains serious as cited, with a reduced penalty of \$150;
 - b. Citation 1, Items 2a and b remain serious as cited, with a reduced penalty of \$150;
 - c. Citation 1, Items 3a and b remain serious as cited, with a reduced penalty of \$750;

- d. Citation 1, Item 4 remains serious as cited, with a reduced penalty of \$150;
- e. Citation 1, Item 5 remains serious as cited, with a reduced penalty of \$112.50
- f. Citation 1, Item 6, remains serious as cited, with a reduced penalty of \$150;
- g. Citation 1, Item 7, remains serious as cited, with a reduced penalty of \$150;
- h. Citation 1, Item 8, remains serious as cited, with a reduced penalty of \$262.50;
- i. Citation 2, Items 1 thru 4 remain serious as cited, with no penalty attached.

2. Scott Pallets, Inc., shall pay the penalty of \$1,875 within thirty (30) days of the date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 308388982 noted on the payment.

3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Scott Pallets, Inc., shall post a copy of this order for ten (10) consecutive days at its workplace in Virginia in a conspicuous location where notices to employees generally are posted.

4. Scott Pallets, Inc., certifies that the violations alleged in this agreement have been abated.

5. As further consideration for the modification of the terms of the original citation, Scott Pallets, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Scott Pallets, Inc. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the

judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may not be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. This order shall be construed to advance the purpose of Code § 40.1-3.

7. Each party will bear its own costs in this matter.


8. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Attorney for the Commonwealth, Commonwealth's Attorney and the Defendant.

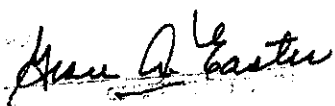
Entered this 16 day of ~~November~~ ^{December}, 2005.

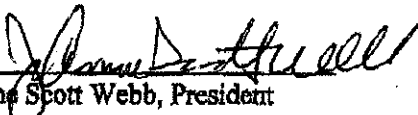

Judge

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 
Ingrid E. Olson (VSB No. 31569)
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
804/786-6760
804/786-8418 (fax)



By: 
JoAnna Scott Webb, President
Scott Pallets, Inc
Amelia, VA 23002
804/561-2514
804/561-2664 (fax)

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff

v.

Chancery No. CH04-422

**SKANSKA USA BUILDING
INCORPORATED,**

Defendant.

AGREED ORDER

WHEREAS, on or about June 23, 2003, the Commissioner issued a Citation to the Defendant, Skanska USA Building, Incorporated, alleging six serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$1,950.00;

WHEREAS, Skanska USA Building, Incorporated, within 15 working days from the date of the receipt of the citation, filed a written notice contesting the violation and proposed penalty, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is ORDERED AND AGREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Serious Citation 1, Item 1 is vacated, along with the \$975.00 penalty.
 - b. Serious Citation 1, Items 2a, 2b, 2c and 2d are to be vacated, along with the \$975.00 penalty.

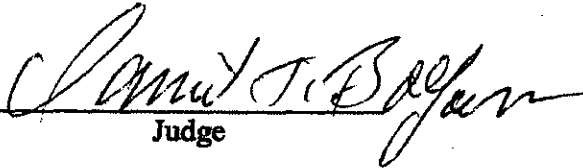
2. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Skanska USA Building, Incorporated shall post a copy of this order for ten (10) consecutive days at its workplace in Virginia in a conspicuous location where notices to employees generally are posted.

3. This agreement does not purport to limit the effect of Code § 40.1-51.3:2. The defendant's agreement to the entry of this order shall not limit the Commissioner's use of this order in future proceedings under Code § 40.1-49.4.-K, or under any other authority. This order shall be construed to advance the purpose of Code § 40.1-3.

4. Each party will bear its own costs in this matter.

5. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases as dismissed with prejudice. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

Entered this 18 day of ^{August}~~July~~, 2005.


Judge

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: SHendon
Sheryl Herndon
Assistant Commonwealth's Attorney
County of Henrico
P.O. Box 27032
Richmond, VA 23227

Tel: 804/501.4218
Fax: 804/501.4110

By: 

Robert C. Rice (VSB No. 25776)
Carrell, Rice and Rigsby
7275 Glen Forest Drive
Forest Plaza II, Suite 310
Richmond, VA 23226
Tel: 804/285.7900
Fax: 804/285.8925

A COPY TESTE:
YVONNE G. SMITH, CLERK
Yvonne G. Smith
DERIVY CLERK

Michael C. Lord
Maupin Taylor, P.A.
P.O. Drawer 19764
Raleigh, NC 27619-9764
Tel: 919/981.4093
Fax: 919/981.4300

Counsel for Skanska USA Building, Incorporated

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HALIFAX

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
)	
v.	)	Chancery No. 03000211-00
)	
SOUTHERN AIR, INC.,)	
<i>Defendant.</i>)	

AGREED ORDER

WHEREAS, on or about January 4, 2002, the Commissioner issued citations to the Defendant, Southern Air, Inc., alleging six serious violations of the Virginia Occupational Safety and Health (VOSH) Standards for General Industry, and proposing a civil penalty of \$10,875.00;


WHEREAS, Southern Air, Inc., filed, within 15 working days from the date of the receipt of the citation, a written notice contesting all violations and proposed penalties, as provided for in § 40.1-49.4 of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED AND DECREED as follows:

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, Item 1 and the proposed penalty of \$1,500.00 are vacated.
 - b. Citation 1, Items 2a and 2b and the proposed penalty of \$1,875.00 are vacated.
 - c. Citation 1, Items 3a, 3b and 3c and the proposed penalty of \$1,875.00 are vacated.
 - d. Citation 1, Items 4a, 4b and 4c and the proposed penalty of \$1,875.00 are vacated.
 - e. Citation 1, Item 5 and the proposed penalty of \$1,875.00 are vacated.
 - f. Citation 1, Item 6a and the proposed penalty of \$1,875.00 are affirmed.
 - g. Citation 1, Item 6b is vacated.

2. Southern Air, Inc., shall pay the penalty of \$1,875.00 within fifteen (15) days of the date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with the VOSH inspection number 304136369 noted on the payment.
3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), Southern Air, Inc. shall post a copy of this order for ten (10) consecutive days in a conspicuous location where notices to employees generally are posted.
4. Southern Air, Inc., certifies that the affirmed violation referenced above in this order has been corrected and abated.
5. This Order is meant to compromise and settle the above contested violations, and does not purport to limit the effect of *Code* § 40.1-51.3:2. This Order shall be construed to advance the purpose of *Code* § 40.1-3. This Order will not be construed as an admission of liability by Southern Air, Inc., for any violation alleged, whether vacated or affirmed, by the Commissioner.
6. Each party will bear its own costs in this matter.
7. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and defense counsel.


Entered this 14th day of January 2005.



Judge

We ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry

By: 
Alfred B. Albiston (VSB # 29851)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219
804/786-6760, Fax 786-4318

Counsel for Plaintiff

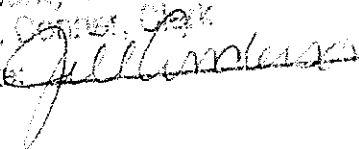
Seen and agreed:

SOUTHERN AIR, INC.

By: 
Of Counsel

Agnis C. Chakravorty, Esq. (VSB #30225)
Woods, Rogers, P.L.C.
Wachovia Tower
10 South Jefferson Street
P.O. Box 14125
Roanoke, VA 24038-4125
(540) 983-7727 ph.
(540) 983 7711 fax

Counsel for Defendant

Hanover County Circuit Court, VA
Robert W. Deener, Clerk
A copy to me: 
 Clerk
 Dep. Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

C. RAY DAVENPORT, Commissioner of)	
Labor and Industry,)	
)	
Plaintiff,)	
v.	)	CHANCERY NO. CH03-1526
)	
STATES ROOFING CORPORATION,)	
)	
Defendant.)	

AGREED ORDER

Upon agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

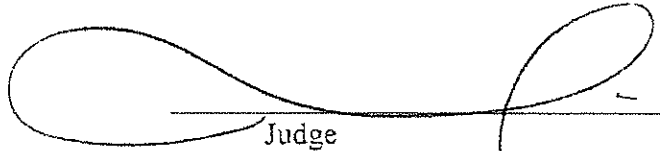
1. a. Serious Citation 1, Item 1 is vacated.
- b. Serious Citation 1, Item 2a is reclassified as Other-than-serious Citation 2, Item 4 and affirmed with no penalty.
- c. Serious Citation 1, Item 2b is affirmed with a penalty of \$525.00.
- d. Serious Citation 1, Item 3 is affirmed with a penalty of \$1,050.00.
- e. Serious Citation 1, Item 4a is vacated.
- f. Serious Citation 1, Item 4b is reclassified as Other-than-serious Citation 2, Item 5 and affirmed with no penalty.
- g. Serious Citation 1, Item 4c is reclassified as Other-than-serious Citation 2, Item 6 and affirmed with no penalty.
- h. Other than serious Citation 2, Item 1 is affirmed with no penalty.

- i. Other than serious Citation 2, Item 2 is vacated.
 - j. Other than serious Citation 2, Item 3 is vacated.
2. States Roofing Corporation shall pay the sum of \$1,575.00 in the form of a check or money order, payable to the "Treasurer of Virginia," with inspection number 304779044 noted thereon, within 30 days of the date this order is entered.
 3. States Roofing Corporation certifies that the violations affirmed in this Order have been abated.
 4. As further consideration for the modification of the terms of the original citation, States Roofing Corporation, agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.
 5. States Roofing Corporation, shall post a copy of this Order for thirty consecutive days, beginning from the date of entry of this Order, at its workplaces in Virginia in a conspicuous location where notices to its employees are generally posted.
 6. This Order is meant to settle the above contested claims, and none of the foregoing agreements, statements or actions taken by States Roofing Corporation shall be deemed an admission by States Roofing Corporation of any of the allegations contained in VOSH Inspection Number 304779044. Under Virginia Code § 40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. The agreements, statements and actions taken herein are made solely for the purpose of settling this matter economically and amicably without further litigation and this Order shall not be used for any other purpose other than

for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.

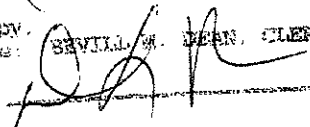
7. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this order to both counsel of record.

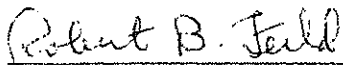
Entered this 5 day of April 2005.


Judge

WE ASK FOR THIS:

C. RAY DAVENPORT, Commissioner of Labor and Industry

A COPY
TO: SEVILL M. DEAN, CLERK
BY:  D.C.



Robert B. Feild
Special Assistant Commonwealth's Attorney
City of Richmond
13 South Thirteenth Street
Richmond, Virginia 23219
Telephone: (804) 786-4777
Facsimile: (804) 786-8418

March 23, 2005
Date

Counsel for Commissioner Davenport

SEEN AND AGREED:

STATES ROOFING CORPORATION


Neil S. Lowenstein
VANDEVENTER BLACK LLP
500 World Trade Center
Norfolk, Virginia 23510
Telephone: (757) 446-8600
Facsimile: (757) 446-8670

8 Mar 05
Date

Counsel for States Roofing Corporation

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HANOVER

C. RAY DAVENPORT, Commissioner of)
 Labor and Industry,)
)
 Plaintiff,)
 v.)
)
 SUPERIOR EXCAVATING &)
 CONSTRUCTION, INC.)
)
 Defendant)

03000413
 CHANCERY NO. 03-413

AGREED ORDER

Upon agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. a. Serious Citation 1, Items 1a and 1b are affirmed with a penalty of \$800.00 for the grouped violation;
- b. Repeat Citation 2, Item 1 is vacated;
- c. Repeat Citation 2, Item 2 is affirmed with a penalty of \$2,100.00;
- d. Repeat Citation 2, Item 3 is affirmed with a penalty of \$2,100.00;
- e. Repeat Citation 2, Item 4 is affirmed with a penalty of \$3,000.00;
2. Superior Excavating & Construction, Inc. shall pay the sum of \$8,000.00 in the form of a check or money order, payable to the "Treasurer of Virginia," with inspection number 304777907 noted thereon, within 30 days of the date this order is entered.
3. Superior Excavating & Construction, Inc. certifies that the violations affirmed in this Order have been abated;
4. As further consideration for the modification of the terms of the original citation,

- Superior Excavating & Construction, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.
5. Superior Excavating & Construction, Inc., shall post a copy of this Order for thirty consecutive days, beginning from the date of entry of this Order, at its office in Ashland in a conspicuous location where notices to its employees are generally posted;
 6. This Order settles the above contested claims. Under Virginia Code § 40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This agreement may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.
 7. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this order to both counsel of record.

Entered this 24 day of Jan 2005.



Judge

WE ASK FOR THIS:

C. RAY DAVENPORT, Commissioner of Labor and Industry

Robert B. Feild

Robert B. Feild
Special Assistant Commonwealth's Attorney
City of Richmond
13 South Thirteenth Street
Richmond, Virginia 23219
Telephone: (804) 786-4777
Facsimile: (804) 786-8418

1-5-04

Date

Counsel for Commissioner Davenport

SEEN AND AGREED:

SUPERIOR EXCAVATING & CONSTRUCTION, INC.

Fred Kozak

Fred Kozak
Kozak Law Office
9011 Arboretum Parkway, Suite 265
Richmond, VA 23236
Telephone: (804) 330-3288
Facsimile: (804) 330-9885

12-03-04

Date

Counsel for Superior Excavating & Construction, Inc.

Jodell White
CLERK

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
<i>Plaintiff,</i>)	
)	
v.	)	Chancery No. CH03-558
)	
T. A. SHEETS MECHANICAL GENERAL)	
CONTRACTOR, INC.)	
<i>Defendant.</i>)	

AGREED FINAL ORDER

WHEREAS, on or about March 20, 2002, and May 10, 2002, Commissioner C. Ray Davenport issued two sets of citations to the defendant T. A. Sheets Mechanical General Contractor, Inc. (T. A. Sheets) alleging a combined total of one Willful, five Repeat, and one Serious violations of the *Virginia Occupational Safety and Health (VOSH) Standards for the Construction Industry*, and proposing total penalties of \$47,700. (A copy of the citations identified as VOSH inspection numbers 304777964 and 304777998 was attached to the Commissioner's Bill of Complaint); and

WHEREAS, T. A. Sheets filed, within 15 working days from the date of the receipt of both each sets of citations, written notices contesting all violations and proposed penalties, as provided for in § 40.1-49.4 of the *Code of Virginia*; and

WHEREAS, to date, the parties desire to settle this case short of litigation and avoid the time and expense of court proceedings;

Now, therefore, upon agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That subject to the conditions described below, the violations and proposed penalties issued May 10, 2002, arising from VOSH inspection number 304777964 will be amended as follows:

- a. *Serious citation 1, Item 1* is upheld as issued and T. A. Sheets agrees to pay \$600 in lieu of the proposed penalty of \$1,500;
- b. *Willful citation 2, Item 1* is affirmed as issued and T. A. Sheets agrees to pay \$10,000 in lieu of the proposed penalty of \$30,000;
- c. *Repeat citation 3, Item 1* is affirmed as issued and T. A. Sheets agrees to pay \$1,000 in lieu of the proposed penalty of \$3,000;
- d. *Repeat citation 3, Item 2* is affirmed as issued and T. A. Sheets agrees to pay \$1,000 in lieu of the proposed penalty of \$3,000.

2. That subject to the conditions described below, the violations and proposed penalties issued March 20, 2002, arising from VOSH inspection number 304777998 will be amended as follows:

- a. *Repeat citation 1, Item 1* is affirmed as issued and T. A. Sheets agrees to pay \$600 in lieu of the proposed penalty of \$1,800;
- b. *Repeat citation 1, Item 2* is affirmed as issued and T. A. Sheets agrees to pay \$2,000 in lieu of the proposed penalty of \$6,000, and
- c. *Repeat citation 1, Item 3* affirmed as issued and T. A. Sheets agrees to pay \$800 in lieu of the proposed penalty of \$2,400.

4. that T. A. Sheets shall pay \$16,000 to the Commissioner upon execution of this Agreed Order; due within fifteen days of receipt of this Order, and made by check or money order,

payable to the Treasurer of Virginia, with the two VOSH inspection numbers 304777964 and 304777998 noted on the payment;

5. that, pursuant to the *VOSH Administrative Regulation Manual* at § 16 VAC 25-60-40, T.

A. Sheets will post a copy of this Agreed Order at each of its work sites in Virginia for a period of 10 working days, in conspicuous locations where notices to its employees are generally posted;


6. that T. A. Sheets certifies that each of the affirmed violations referenced above in this Order have been abated;

7. that T. A. Sheets withdraws both of its original notices of contest filed with respect to the above-styled case and waives its right to contest the terms contained in this Order;


8. that this Order is meant to compromise and settle the above contested claims, and does not purport to limit the effect of *Virginia Code* § 40.1-51.3:2; T. A. Sheets admits no wrongdoing in connection with this settlement and states that it is settling this case solely to avoid the time, inconvenience, and expense of additional litigation; and this Order will not be construed as an admission of liability by T. A. Sheets of liability for any violation alleged by the Commissioner;

9. that the Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.

Entered this 23rd day of March, 2005.

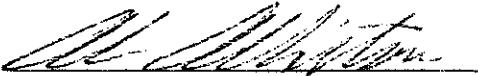


Judge Catherine C. Hammond

A COPY TESTE:
YVONNE G. SMITH, CLERK

DEPUTY CLERK

We ask for this:

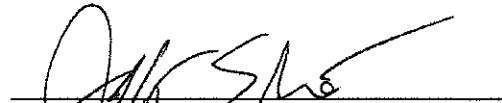
C. RAY DAVENPORT,
Commissioner of Labor and Industry



Alfred B. Albiston, (VSB # 29851)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219-4101
804-786-6760, Fax 786-8418
Counsel for Plaintiff

Seen and agreed:

T. A. SHEETS MECHANICAL GENERAL CONTRACTOR, INC.



Jeffrey S. Shapiro (VSB # 38344)
McGuire Woods LLP
One James Center
901 East Cary Street
Richmond, Virginia 23219-4030
804-775-4327, Fax 775-1061
Counsel for Defendant

1. That subject to the conditions described below, the violations and proposed penalties issued January 16, 2002, arising from VOSH inspection number 304531833 will be amended as follows:

- a. *Serious citation 1, Grouped Item 1a and 1b* is amended to *Other Than Serious citation 3, Grouped Item 1a and 1b*, and T. A. Sheets agrees to pay \$500 in lieu of the proposed penalty of \$1,500;
- b. *Serious citation 1, Item 2* is affirmed as issued and T. A. Sheets agrees to pay \$500 in lieu of the proposed penalty of \$900;
- c. *Willful citation 2, Item 1* is affirmed as issued and T. A. Sheets agrees to pay \$10,000 in lieu of the proposed penalty of \$30,000;

2. That subject to the conditions described below, the violations and proposed penalties issued January 23, 2002, arising from VOSH inspection number 304533607 will be amended as follows:

- a. *Willful citation 1, Item 1* is amended to *Serious citation 2, Item 1*, and T. A. Sheets agrees to pay \$5,000 in lieu of the proposed penalty of \$15,000;

4. that T. A. Sheets shall pay \$16,000 to the Commissioner upon execution of this Agreed Order; due within fifteen days of receipt of this Order, and made by check or money order, payable to the Treasurer of Virginia, with the two VOSH inspection numbers 304531833 and 304533607 noted on the payment;

5. that, pursuant to the *VOSH Administrative Regulation Manual* at § 16 VAC 25-60-40, T. A. Sheets will post a copy of this Agreed Order at each of its work sites in Virginia for a period of 10 working days, in conspicuous locations where notices to its employees are generally posted;

6. that T. A. Sheets certifies that each of the affirmed violations referenced above in this Order have been abated;

7. that T. A. Sheets withdraws both of its original notices of contest filed with respect to the above-styled case and waives its right to contest the terms contained in this Order;

8. that this Order is meant to compromise and settle the above contested claims, and does not purport to limit the effect of *Virginia Code* § 40.1-51.3.2; T. A. Sheets admits no wrongdoing in connection with this settlement and states that it is settling this case solely to avoid the time, inconvenience, and expense of additional litigation; and this Order will not be construed as an admission of liability by T. A. Sheets in any proceeding;

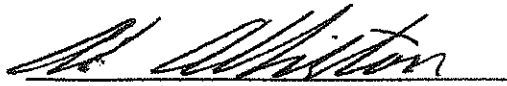
9. that the Clerk will strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both parties.

Entered this 30 day of March, 2005.



Judge J. Richard Alderman

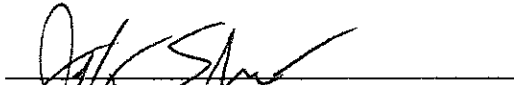
C. RAY DAVENPORT,
Commissioner of Labor and Industry



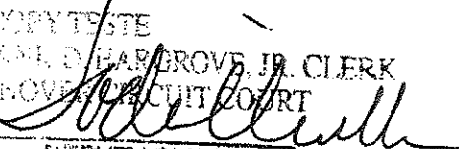
Alfred B. Albiston, (VSB # 29851)
Special Assistant Commonwealth's Attorney
Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219-4101
804-786-6760, Fax 786-8418
Counsel for Plaintiff

Seen and agreed:

T. A. SHEETS MECHANICAL GENERAL CONTRACTOR, INC.



Jeffrey S. Shapiro (VSB # 38344)
McGuire Woods LLP
One James Center
901 East Cary Street
Richmond, Virginia 23219-4030
804-775-4327, Fax 775-1061
Counsel for Defendant

3 COPY TESTE
FRANK D. HARRIS, JR. CLERK
MEMPHIS CIRCUIT COURT
By 
DEPUTY CLERK

I ask for this:

C. RAY DAVENPORT,
Commissioner of Labor and Industry



Robert B. Feild (VSB# 23864)
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
804-786-4777, Fax 804-786-8418

RECEIVED

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COURT

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ARLINGTON

C. RAY DAVENPORT, Commissioner of Labor and Industry,

Plaintiff,

v.

TURNER CONSTRUCTION COMPANY

Defendant.

Chancery No. 00-445

SUBSTITUTION OF PLAINTIFF AND AGREED FINAL ORDER

WHEREAS, on or about April 29, 1997, former Commissioner John Mills Barr (the "Commissioner") issued a citation to the defendant, Turner Construction Company ("Turner") (and together, the "Parties"), alleging one willful violation of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$70,000.00 (the "Underlying Citation");

WHEREAS, Turner filed, within 15 working days from the date of the receipt of the citation, a written notice contesting the violation and proposed penalty, as provided for in § 40.1-49.4, of the Code of Virginia;

WHEREAS, Virginia Governor Mark Warner subsequently appointed C. Ray Davenport as Commissioner of Labor & Industry, effective March 4, 2002; and

WHEREAS, the Parties mutually desire to settle this case pursuant to the terms of this Substitution of Plaintiff and Agreed Final Order (the "Order").

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. That current Commissioner C. Ray Davenport, under Rule 2:16 of the *Rules of the Supreme Court of Virginia*, be substituted as party plaintiff in this action as successor in interest to John Mills Barr.

2. That the citation attached to the Bill of Complaint is hereby amended as follows:

Citation 1, Item 1, § 1926.501(b)(4)(i) is changed from an willful to an unclassified violation in accordance with terms of the Substitution of Plaintiff and Agreed Final Order, and said unclassified violation shall be deemed final and resolved as of March 1, 2001.

3. Turner shall pay \$10,000.00 within thirty (30) days of the date of entry of this order. Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 125436113 noted on the payment.

4. Turner certifies that the condition referenced in the underlying citation has been corrected and abated.

5. This Order shall not be construed as an admission of liability by Turner of civil or other liability for the underlying citation, nor shall Turner be deemed liable or at fault in any way for the Underlying Citation.

6. This Order is meant to compromise and settle the above contested violation and does not purport to limit the effect of Va. Code § 40.1-51.3:2. The Commissioner shall not use the Underlying Citation and/or this Order in future or current proceedings against Turner under Code § 40.1-49.4 for the threat of or imposition of any repeat, willful, or other violation against Turner. This Order shall not be construed to limit the Commissioner's ability to cite Turner for future violations and penalties pursuant to Va. Code § 40.1-49.4 provided that, in accordance

with the foregoing, the Commissioner shall not in any way use or rely on the Underlying Citation and/or this Order.

7. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), Turner shall post a copy of this Order for ten (10) consecutive days at its mailroom and at its workplaces (if any) in the cities of Richmond, Virginia in a conspicuous location where notices to employees generally are posted.

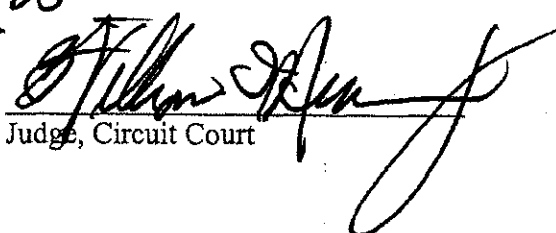
8. Each Party will bear its own costs in this matter.

9. Each Party's signatory below affirms that it has the express and legal authority to affix its signature below and to agree to assent on behalf of each party to the terms set forth herein.

10. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Assistant Commonwealth's Attorney and defense counsel.

ENTERED, this 5th day of ~~DECEMBER, 2004.~~

January 2005



Judge, Circuit Court

WE ASK FOR THIS:

SEYFARTH SHAW LLP

✓ by Lawrence P. Postol

Lawrence P. Postol
Virginia Bar No. 21340
Seyfarth Shaw LLP
815 Connecticut Avenue, N.W., Suite 500
Washington, D.C. 20006-4004
(202) 463-2400
Counsel for Defendant,
Turner Construction Company

AND

COMMONWEALTH'S ATTORNEY

✓ M. Nicole Wittmann

M. Nicole Wittmann, Esq.
Assistant Commonwealth's Attorney
1425 N. Courthouse Road, Fifth Floor
Arlington, VA 22201
(703) 228-4410
Counsel for Plaintiff

A COPY.
TESTE DAVID A. BELL, CLERK
BY David A. Bell

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff,

v.

Chancery No. CH04-2686

YOUNG AEO, D/B/A
YW CONSTRUCTION COMPANY
Defendant.

AGREED FINAL ORDER

WHEREAS, on or about December 10, 2003, Commissioner C. Ray Davenport issued a citation to the defendant, Young Aeo, d/b/a YW Construction Company, alleging four serious and one willful violation(s) of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$74,950.00;

WHEREAS, Young Aeo, within 15 working days from the date of the receipt of the citation, filed a written notice contesting the proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*; and

Upon agreement of the parties and for good cause shown, it is hereby ADJUDGED, ORDERED, and DECREED as follows:

1. The total penalty is modified from \$74,950.00 to \$1,500.00.
2. Young Aeo will pay \$1500 to the Commonwealth in full payment of the

penalties. This penalty shall be paid within thirty (30) days of the date of entry of this order.

Payment shall be made by check or money order, payable to the Treasurer of Virginia, with VOSH inspection number 306486325 noted on the payment.

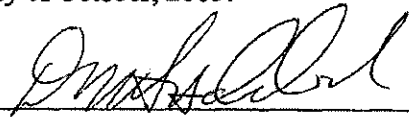
3. As further consideration for the modification of the terms of the original citation, Young Aeo agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

4. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Young Aeo. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil penalty under Chapter 3 of Title 40.1 of the Code of Virginia shall not be admissible in evidence in the trial of any action to recover for personal injury or property damage sustained by any party. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia. This order shall be construed to advance the purpose of Code § 40.1-3.

5. Each party will bear its own costs in this matter.

6. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and defense counsel.


Entered this 18 day of October, 2005.



Judge


WE ASK FOR THIS:

C. Ray Davenport,
Commissioner of Labor and Industry

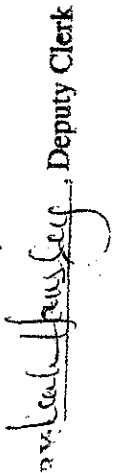
By: 
Diane L. Duell (VSB No. 27285)
Virginia Department of Labor & Industry
Special Assistant Commonwealth's Attorney
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.4289/804.786.8418 (Fax)
Counsel for Commissioner C. Ray Davenport

WE ASK FOR THIS:

Young Aeo, d/b/a
YW Construction Company

By: 
Jeffrey M. Mervis (VSB No. 30794)
Mervis & Associates, LLC
51 Monroe Street, Suite 608
Rockville, Maryland 20850
301.762.0020/301.762.0229 (Fax)
Counsel for Young Aeo

A COPY TESTE
Edward Sernonian, Clerk


Deputy Clerk