

**FINAL ORDERS OF THE VIRGINIA COURTS
IN CONTESTED CASES ARISING UNDER THE
VIRGINIA OCCUPATIONAL SAFETY AND HEALTH ACT
2006**

A & W Contracting Corporation, C. Ray Davenport v.
Chancery No. 187274 (Fairfax County Circuit Court)

Atlantic Foundations, Incorporated, C. Ray Davenport v.
Chancery No. CL06-489 (Suffolk City Circuit Court)

Barnes Manufacturing Company, C. Ray Davenport v.
Chancery No. CH05-21 (Lunenburg County Circuit Court)

Bat Masonry Company, Incorporated, C. Ray Davenport v.
Chancery No. CL06-238 (Chesterfield County Circuit Court)

Chesapeake Tree Service, Incorporated, C. Ray Davenport v.
Chancery No. 05-2944 (Norfolk City Circuit Court)

Commercial Erectors, Inc., C. Ray Davenport v.
Chancery No. 184408 (Fairfax County Circuit Court)

C. W. Wright Construction Company, Inc., C. R. Davenport v.
Chancery No. 186126 (Fairfax County Circuit Court)

J. King DeShazo, III, Inc., C. Ray Davenport v.
Chancery No. CH03-1195-1 (Richmond City Circuit Court)

KBS, Inc., C. Ray Davenport v.
Chancery No. CH04000939-00 (Henrico County Circuit Court)

KBS, Inc., C. Ray Davenport v.
Chancery No. CH04000121-00 (King George County Circuit Court)

Mid Eastern Builders Inc., C. Ray Davenport v.
Chancery No. CH05-322 (Petersburg City Circuit Court)

Northside Electric Company, C. Ray Davenport v.
Chancery No. CH0300001612-00 (Richmond City Circuit Court)

Pilgrim's Pride Corporation, C. Ray Davenport v.
Chancery No. CH05-00018 (Rockingham County Circuit Court)

Roanoke Electric Steel Corporation, C. Ray Davenport v.
Chancery No. CL06-384 (Roanoke City Circuit Court)

Rogar International Corp., C. Ray Davenport v.
Chancery No. 04-246 (Chesterfield County Circuit Court)

Rogar International Corp., C. Ray Davenport v.
Chancery No. 04-246 (Chesterfield County Circuit Court)

S. B. Ballard Construction Company, Inc., C. Ray Davenport v.
Chancery No. 05-3115 (Norfolk City Circuit Court)

Williams Bridge Company, C. Ray Davenport v.
Chancery No. 03-700-03 (Richmond City Circuit Court)

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX



C. RAY DAVENPORT,)
 Commissioner of Labor & Industry)
)
 Plaintiff,)
)
 v.)
)
 A & W CONTRACTING)
 CORPORATION,)
)
 Defendant)

Chancery Case No. 187274

AGREED ORDER

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

ADJUDGED, and DECREED as follows:

1. In settlement of the matters alleged in this action, the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, Item 1, is amended from a willful to an unclassified violation of Va. Code § 40.1-49.4. The initial penalty of \$70,000.00 is reduced to \$17,500.00
2. A & W Contracting Corporation shall pay the penalty of \$ 17,500.00 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 305266488 noted on the payment. The amount of the penalty to be paid shall not be construed to indicate a particular classification of the amended violation.
3. A & W Contracting Corporation certifies that the violation alleged in this agreement was abated.
4. As further consideration for the modification of the terms of the original citation, A & W Contracting Corporation agrees to withdraw its original notice of contest and waives its

11/12/07
 10/21/08
 12/27/00
 12/22/07
 i cc 11 4 & atty.

right to contest the remaining terms contained in this Order.

5. A & W Contracting Corporation shall post a copy of this Order for a period of thirty (30) days in a conspicuous location where notices to its employees are generally posted.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by A & W Contracting 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.

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 19 day of ^{December}~~November~~, 2006.

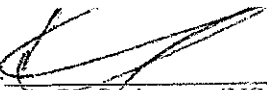
Katherine N. Mackay

Judge

WE ASK FOR THIS:

C. Ray Davenport,
Commissioner of Labor and Industry

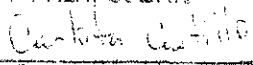
By: John J. Murray
John J. Murray
Assistant Commonwealth's Attorney
Fairfax County
4110 Chain Bridge Road, Room 123
Fairfax, Virginia 22030
(703) 246-2776
(703) 691-4004 (fax)

By: 
Dennis R. Carluzzo, (VSB No. 30752)
Smith, Hudson and Carluzzo, P.C.
9300 West Courthouse Road, Suite 203
Manassas, Virginia 20110-1809
(703) 691-0776
(703) 691-9531 (fax)

Counsel for A & W Contracting Corporation

A COPY TESTE.

JOHN T. FREY, CLERK

By: 
Deputy Clerk

Date: 2/22/07

Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF SUFFOLK

C. RAY DAVENPORT,)
Commissioner of Labor and Industry,)
 Plaintiff,)
v.) Civil Action No. CL 06-489
))
ATLANTIC FOUNDATIONS,)
INCORPORATED,)
 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 citations attached to the Complaint are hereby amended as follows:
 - a) Serious Citation 1, Item 1 is affirmed with a reduced penalty of \$5,000.00;
 - b) Serious Citation 1, Item 2 is affirmed with a reduced penalty of \$5,000.00;
 - c) Serious Citation 1, Item 3 is affirmed with a reduced penalty of \$3,000.00;
 - d) Willful Citation 2, Item 1 is reclassified as serious with a reduced penalty of \$7,000.00;
 - e) Other than Serious Citation 3, Item 1 is affirmed with no penalty.
2. That the Defendant shall pay the total penalty of \$20,000.00 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 VOSH inspection number 305392680 noted on the payment;

DEC 27 2006

3. That the Defendant shall withdraw its original notice of contest, and hereby waives its right to contest the remaining terms contained in this Order;
4. That the Defendant 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;
5. That this Order shall be construed to advance the purpose of Virginia Code § 40.1-3;
6. That the Commissioner may use this Order in future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia, or any other authority;
7. That 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;
8. That each party shall bear its own costs in this matter.


It is ORDERED, ADJUDGED, and DECREED that this matter be, and hereby is, dismissed with full prejudice and stricken from the docket of this Court.

Entered this 27th day of December 2006.

The Clerk shall send an attested copy of this Order to all counsel of record.

TRUE COPY
 I hereby certify the document to which
 this stamp is affixed is a
 true copy of a record in the Suffolk
 Circuit Court, that I have custody
 of the record, and that I am the custodi-
 an of the record.

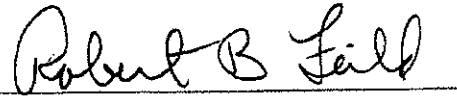
STEPHEN W. HARTUNG, CLERK
 D.C.
 12/28/06



 Judge

WE ASK FOR THIS:

C. RAY DAVENPORT, Commissioner of Labor and Industry

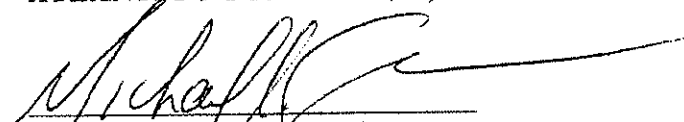


Robert B. Feild
Special Assistant Commonwealth's Attorney
City of Suffolk
13 South Thirteenth Street
Richmond, Virginia 23219
Telephone: (804) 786-4777
Facsimile: (804) 786-8418

Counsel for Commissioner Davenport

SEEN AND AGREED:

ATLANTIC FOUNDATIONS, INC.



Michael L. Sterling Esquire
VanDeventer Black, LLP
500 World Trade Center
Norfolk, Virginia 23510
Telephone: (757) 446-8600
Facsimile: (757) 446-8670

Counsel for Atlantic Foundations, Inc.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF LUNENBURG

C. RAY DAVENPORT, Commissioner of)	
Labor and Industry,)	
)	
Plaintiff,)	
)	
v.)	Chancery No.CH05-21
)	
BARNES MANUFACTURING COMPANY)	
)	
Defendant.)	

ORDER

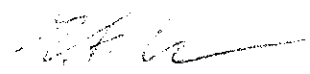
This matter came to be heard on the 24th day of July 2006, on the Bill of Complaint filed by Commissioner C. Ray Davenport and Barnes Manufacturing Company's Answer. Commissioner Davenport has vacated the citation upon which this matter was based. Upon the joint representations of counsel for the parties the matters at issue between them are resolved by the vacation of the citation by the Commissioner, it appears to the Court that the bill of complaint filed by the Commissioner should be dismissed with prejudice.

It is ordered, adjudged and decreed that the bill of complaint filed by Commissioner C. Ray Davenport, Commissioner of Labor and Industry against Barnes Manufacturing Company is dismissed with prejudice.

Entered this 25th day of October, 2006.



Judge Richard S. Blanton



C. RAY DAVENPORT,
Commissioner of Labor and Industry

By: Robert B Feild
Counsel for Plaintiff

July 21, 2006
Date

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

SEEN AND AGREED TO:

BARNES MANUFACTURING COMPANY,

By: C. Jay Robbins, IV
Counsel for Defendant

9/21/06
Date

C. Jay Robbins, IV
Midkiff, Muncie & Ross, P.C.
9030 Stony Point Parkway, Suite 160
Richmond, Virginia 23235
Phone -- (804) 560-9600
Fax -- (804) 560-5997

VIRGINIA:

IN THE CIRCUIT COURT OF CHESTERFIELD COUNTY

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry)	
)	
Plaintiff,)	
)	
v.)	Case No. CI.06-238
)	
BAT MASONRY COMPANY,)	
INCORPORATED)	
)	
Defendant.)	

AGREED FINAL ORDER

WHEREAS, on or about June 21, 2005, Commissioner C. Ray Davenport issued a citation to the defendant, Bat Masonry Company, Incorporated, (Bat Masonry Company) alleging serious and repeat violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$6,000.00; and

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

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, § 1926.706(b) is vacated, along with the \$2000 assessed penalty; and
 - b. Citation 2, Item 1, § 1926.706(a)(1) is vacated, along with the \$4000 assessed penalty. This violation is vacated based upon the conditions set forth in Paragraph No. 2 below.
2. In exchange for vacating Citation 2, item 1, Bat Masonry Company, agrees to amend its

limited access zone policy and the enforcement of that policy on its construction sites throughout the Commonwealth of Virginia. When required by VOSH laws, standards and/or regulations, Bat Masonry shall physically delineate a limited access zone. The limited access zone shall be established through the use of warning signs and caution tape, or other physical barrier during the construction of masonry walls, so that employees on site are aware that a limited access zone is in place. Bat Masonry is required to amend its written safety and health program/policy, within 30 days of the entry of this Order, to reflect this agreement.

3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), Bat Masonry Company, shall post a copy of this order for ten (10) consecutive days at its workplaces in Virginia in a conspicuous location where notices to employees generally are posted.

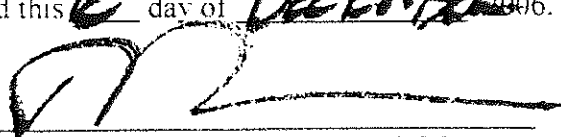
4. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Bat Masonry Company. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment of a civil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

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

6. The Clerk shall strike this matter from the docket and place it among the ended civil cases. The Clerk shall send a certified copy of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

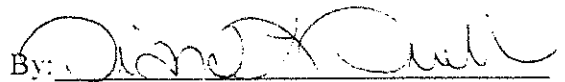
Entered this 15th day of DECEMBER 2006.

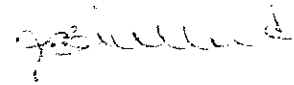


Judge Frederick Gore Rockwell, III

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)



SEEN AND AGREED:

Bat Masonry Company, Incorporated

By: 
William R. Baldwin, III (VSB No. 16988)
Marchant, Honey & Baldwin, LLP
5600 Grove Avenue
Richmond, Virginia 23226
804.285.3888
804.285.7779 (fax)

Counsel for Bat Masonry Company, Incorporated

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

C. RAY DAVENPORT,
Commissioner of Labor and Industry

Plaintiff,

v.

Chancery No. 05-2944

**CHESAPEAKE TREE SERVICE,
INCORPORATED,**

Defendant.

AGREED ORDER

WHEREAS, on or about October 12, 2005, the Commissioner filed a Complaint with the Circuit Court of the City of Norfolk concerning two Citations issued to the Defendant, Chesapeake Tree Service, Inc., alleging two serious violations and one other-than-serious violation of the Virginia Occupational Safety and Health Standards (VOSH) for General Industry, and proposing a civil penalty of \$1,200.00;

WHEREAS, on June 9, 2006, the court found the Defendant in default; and

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

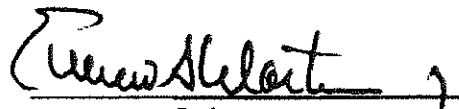
1. That the proposed civil penalties be reduced to \$700.00.
2. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40.1, Chesapeake Tree Service, Inc., shall post a copy of this order for ten (10) consecutive days at its workplace in Virginia in a conspicuous location where notices to employees generally are posted.
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.

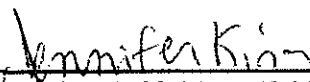
5. The Clerk shall strike this matter from the docket and place it among the ended Chancery cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.


Entered this 20th day of July, 2006.

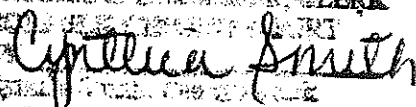

Judge
Everett A. Martin, Jr., Judge

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 
Jennifer King (VSB No. 44246)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, Virginia 23219-4101
804.786.0169
804.786.8418 (fax)

By: 
Mickey C. Toll
President, Chesapeake Tree Service, Inc.
430 Sign Pine Road
Chesapeake, Virginia 23322
757.652.8855

COPY SENT TO:
CLERK OF COURT
BY: 
Cynthia Smith
Date: 7-20-06

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX

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

Plaintiff,)

Chancery No. 184408

COMMERCIAL ERECTORS, INC.,)

Defendant)

AGREED ORDER

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

ADJUDGED, and DECREED as follows:

1. In settlement of the matters alleged in this action, the citation attached to the Bill of Complaint is hereby amended as follows:

- a. Citation 1, Item 1, is amended from a willful to an unclassified violation of Va. Code § 40.1-49.4. The initial penalty of \$70,000.00 is reduced to \$35,000.00.
- b. Citation 1, item 2, remains serious as cited. The initial penalty of \$4000.00 is reduced to \$2000.00.
- c. Citation 1, Item 3 remains serious as cited. The initial penalty of \$4000.00 is reduced to \$2000.00.

2. The total penalty due to the Commonwealth is \$ 39,000.00. The Commissioner acknowledges that the defendant, Commercial Erectors is a defunct corporation. The Commonwealth agrees not to take any steps to enforce the terms of this Agreed Order against or collect the penalty from any shareholder, officer, director, employ, agent or alleged successor of Commercial Erectors.

C-7-31-06



3. Commercial Erectors certifies that the conditions described in the citation in this matter were corrected and abated.

4. As consideration for the modification of the terms of the original citation, Commercial Erectors agrees to withdraw its notice of contest for this case and waives its right to contest the citation and penalty as amended by this Agreed Order.

5. Commercial Erectors represents that it is entering into this Agreed Order in the spirit of conciliation and cooperation and in an effort to avoid litigation. Commercial Erectors' consent to entry of this Agreed Order shall not constitute an admission by Commercial Erectors of a violation of the Virginia Occupational Safety and Health laws, standards or regulations promulgated thereunder. This Agreed Order shall not be offered, used or admitted into evidence in any proceeding or litigation, whether civil or criminal, other than proceedings arising under Title 40.1 of the Code of Virginia.

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.

Commercial Erectors is entering into said Agreed Order without any prejudice to its right to assert in any subsequent action or proceeding that any future existing conditions identical or similar to those alleged in the original citation do not violate the Virginia Occupational Safety and Health laws, standards or regulations promulgated thereunder.


By entering into this agreement, Commercial Erectors does not admit the truth of any alleged facts, any of the characterizations of Commercial Erectors' alleged conduct, or any conclusions set forth in the citation issued in this matter.

This agreement shall not preclude the Commissioner from introducing this Agreed Order

into evidence in connection with any future citations issued under the Virginia Occupational Safety and Health laws, standards or regulations, provided the Commissioner demonstrates under applicable law that this Agreed Order is relevant in the future proceeding.

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

Entered this 20 day of July, 2006.



WE ASK FOR THIS:

C. Ray Davenport,
Commissioner of Labor and Industry

By: John F. Murray
John Murray
Assistant Commonwealth's Attorney
4110 Chain Bridge Road, Suite 123
Fairfax, Virginia 22030-4047
(703) 246-2776
(703) 691-4004 (fax)

By: John E. Rinaldi
John E. Rinaldi (VSB No. 31580)
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
Glen Park I, 4310 Prince William Parkway, Suite 300
Prince William, Virginia 22192
(703) 680-4664
(703) 680-6067 (fax)

Local Counsel for Commercial Erectors, Inc.

Frank L. Kollman, Esq.
KOLLMAN & SAUCIER, P.A.
20 South Charles Street, 8th Floor
Baltimore, Maryland 21201
(410) 727-4300
(410) 727-4391 (fax)

Counsel for Commercial Erectors, Inc.

A COPY TESTE: Page 3
JOHN T. FREY, CLERK
BY: Indumathi S. Sosa
Deputy Clerk
Date: 8/10/06
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia



VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX

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

Plaintiff,)

Chancery No. 186126

C. W. WRIGHT CONSTRUCTION)
COMPANY, INC.)

Defendant)

AGREED ORDER

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

1. In settlement of the matters alleged in this action, the citation attached to the Bill
of Complaint is hereby amended as follows:

a. Citation 1, Item 1, is amended from a willful to an unclassified violation of Va.
Code § 40.1-49.4. The initial penalty of \$70,000.00 is reduced to \$35,000.00.

2. C. W. Wright Construction Company, Inc. shall pay the penalty of \$ 35,000.00
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 305266199
noted on the payment. The amount of the penalty to be paid shall not be construed to indicate a
particular classification of the amended violation.

3. C. W. Wright Construction Company, Inc. certifies that the violation alleged in
this agreement was abated. The piece of equipment is permanently removed from service by the

employer.

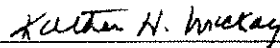
4. As further consideration for the modification of the terms of the original citation, C. W. Wright Construction Company, Inc. agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

5. C. W. Wright Construction Company, Inc. shall post a copy of this Order for a period of thirty (30) days in a conspicuous location where notices to its employees are generally posted.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by C. W. Wright Construction Company, 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.

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 22 day of June, 2006.



Judge

WE ASK FOR THIS:

C. Ray Davenport,
Commissioner of Labor and Industry

By: John F. Murray
John Murray
Assistant Commonwealth's Attorney
County of Fairfax
4110 Chain Bridge Road, Suite 123
Fairfax, Virginia 22030-4047
(703) 246-2776
(703) 691-4004(fax)

By: Kenneth C. Grigg
A. James Kauffman (VSB No. 05600)
Kenneth C. Grigg (VSB No. 21785)
TAYLOR, HAZEN & KAUFFMAN, PLC
700 East Main Street, Suite 1700
Post Office Box 2465
Richmond, Virginia 23218-2465
(804) 649-9251
(804) 644-1710 (fax)

Counsel for C. W. Wright Construction Company, Inc.

A COPY TESTE
JOHN T. FREY CLERK
BY: Indumatha S. Sosa
Date: 6/27/06
Original filed in Case No. 06-1-00000-0000
at the Court of the Commonwealth of Virginia
in the County of Fairfax

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry)	
)	
Plaintiff,)	
)	
v.)	Chancery No. CH03-1195-1
)	
<u>J. KING DeSHAZO, III, INC.</u>)	
)	
Defendant.)	

AGREED FINAL ORDER

WHEREAS, on or about December 13, 2000, former Commissioner Jeffrey D. Brown issued a citation to the defendant, J. King DeShazo, III, Inc., alleging serious, repeat and other-than-serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$6,875.00; and

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

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, § 1926.50(c) is vacated, along with the \$875.00 penalty;
 - b. Citation 1, Item 2, § 1926.152(a)(1) is vacated, along with the \$500.00 penalty;
 - c. Citation 1, Item 3a, § 1926.502(i)(2) and Citation 1, item, 3b, § 1926.502(i)(4) are reduced from Serious to Other-Than-Serious. The penalty of \$1250.00 is reduced to \$625.00;

- d. Citation 2, Item 1, § 1926.501(b)(10) is reduced from a Repeat to a Serious violation. The \$4000.00 penalty is reduced to \$2000.00; and
- e. Citation 3, item 1, § 1926.416(e)(1) remains other-than-serious, with a \$250.00 penalty.

2. J. King DeShazo, III, Inc., shall pay the total penalty of \$2,875.00 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 303902811 noted on the payment.

3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), J. King DeShazo, III, Inc., shall post a copy of this order for ten (10) consecutive days at its workplaces in Virginia in a conspicuous location where notices to employees generally are posted.

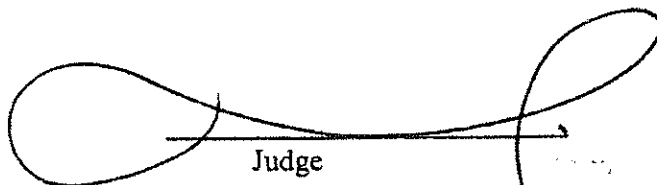
4. J. King DeShazo, III, Inc., certifies that the affirmed violations referenced above in this Order has been corrected and abated.

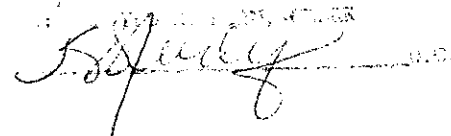
5. This Order is meant to compromise and settle the above contested violation and does not purport to limit the effect of Va. Code § 40.1-51.3:2. The Commissioner shall not use the underlying citation of § 1926.501(b)(10) and/or order in future proceedings under Va. Code § 40.1-49.4 for the imposition of any repeat violation. This Order shall not be construed to limit the Commissioner's ability to cite J. King DeShazo, III, Inc., for any subsequent violations and penalties pursuant to Va Code § 40.1-49.4.J. This Order will not be construed as an admission of liability by J. King DeShazo, III, Inc., of civil liability for any violations alleged 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 27 day of June, 2006.


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)

SEEN AND AGREED:

J. King DeShazo, III, Inc.

By: 
Edward S. Whitlock, III (VSB No. 27811)
DANKOS, GORDON & WHITLOCK, P.C.
1360 East Parham Road, Suite 200
Richmond, Virginia 23228
804.262.8000
804.262.8088 (fax)

Counsel for Defendant

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

C. RAY DAVENPORT , Commissioner of)	
Labor and Industry,)	
)	
Plaintiff,)	
v.)	CHANCERY NO. CH04000939-00
)	
KBS, INC.)	
)	
Defendant.)	

AGREED FINAL ORDER

WHEREAS, on or about December 1, 2003, Commissioner C. Ray Davenport issued citations to the defendant, KBS, Inc., alleging three serious, four repeat and two other-than-serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$21,000.00; and

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

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

1. Serious citation 1, item 1 and the accompanying penalty of \$1,575.00 are vacated.
2. Serious citation 1, items 2a and 2b and the accompanying penalty of \$675.00 are vacated.
3. Repeat citation 2, item 1 and the accompanying penalty of \$300.00 are vacated.
4. Repeat citation 2, item 2 and the accompanying penalty of \$6,000.00 are vacated.

5. Repeat citation 2, items 3a and 3b and the accompanying penalty of \$12,000.00 are vacated.
6. Other-than-serious citation 3, item 1 and the accompanying penalty of \$450.00 are vacated.
7. Other-than-serious citation 3, item 2 is vacated.
8. As further consideration for the modification of the terms of the original citation, KBS, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.
9. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), KBS, Inc., shall post a copy of this order for ten (10) consecutive days at its workplaces in Virginia in a conspicuous location where notices to employees generally are posted.
10. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by KBS, 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.
11. Each party will bear its own costs in this matter.
12. The Clerk shall strike this matter from the docket and place it among the ended civil cases. The Clerk shall send a certified copy of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

Entered this 21 day of December 2006.

Bruce Miller
Judge

WE ASK FOR THIS:

C. RAY DAVENPORT,
Commissioner of Labor and Industry

By: Diane L. Duell
Counsel for Plaintiff

Diane L. Duell
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
(804) 786-4289

A COPY TESTE:
YVONNE G. SMITH, CLERK

Peggy J. Johnson
DEPUTY CLERK

12/13/06
Date

SEEN AND AGREED TO:

KBS, INC.,
By: Devon Williams Cushman
Counsel for Defendant

Devon Williams Cushman
Hirschler Fleischer, P.C.
Federal Reserve Bank Building
701 East Byrd Street
Richmond, VA 23219

10-10-06
Date

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF KING GEORGE

C. RAY DAVENPORT, Commissioner of
Labor and Industry,

Plaintiff,

v.

KBS, INC.

Defendant.

)
)
)
)
)
)
)
)
)
)

CHANCERY NO. CH04000121-00

AGREED FINAL ORDER

WHEREAS, on or about June 7, 2004, Commissioner C. Ray Davenport issued citations to the defendant, KBS, Inc., alleging five serious and seven repeat violations of the Virginia Occupational Safety and Health Standards (VOSH) for the Construction Industry, and proposing a civil penalty of \$16,675.00; and

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

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

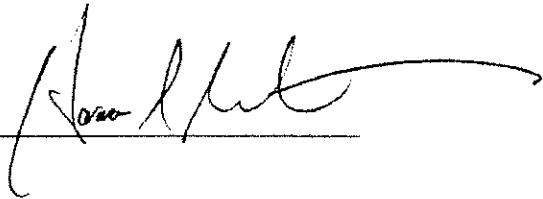
1. Serious citation 1, item 1a is reduced to other-than-serious and affirmed with a penalty of \$300.00.
2. Serious citation 1, items 1b, 1c and 1d are reduced to other-than-serious and affirmed with no penalty.

3. Serious citation 1, item 2 is reduced to other-than-serious and affirmed with a penalty of \$150.00.
4. Repeat citation 2, item 1 is reduced to other-than-serious and affirmed with a penalty of 200.00.
5. Repeat citation 2, item 2 is reduced to other-than-serious and affirmed with a penalty of 200.00.
6. Repeat citation 2, item 3 is reduced to other-than-serious and affirmed with a penalty of 300.00.
7. Repeat citation 2, item 4 is reduced to other-than-serious and affirmed with a penalty of 200.00.
8. Repeat citation 2, item 5 is reduced to other-than-serious and affirmed with a penalty of 200.00.
9. Repeat citation 2, item 6 is reduced to other-than-serious and affirmed with a penalty of 200.00.
10. Repeat citation 2, item 7 is reduced to other-than-serious and affirmed with a penalty of 200.00.
11. KBS, Inc., shall pay the sum of \$1,950.00 in the form of a check or money order, payable to the "Treasurer of Virginia," with inspection number 307174961 noted thereon, within 30 days of the date this Order is executed.
12. KBS, Inc., certifies that the violations alleged in this agreement have been abated.
13. As further consideration for the modification of the terms of the original citation, KBS, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

14. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), KBS, Inc., shall post a copy of this order for ten (10) consecutive days at its workplaces in Virginia in a conspicuous location where notices to employees generally are posted.
15. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by KBS, 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.
16. Each party will bear its own costs in this matter.
17. The Clerk shall strike this matter from the docket and place it among the ended civil cases. The Clerk shall send a certified copy of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

Entered this 28 day of December, 2006.

Judge

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "A. H. H. H.". The line extends to the left of the signature, under the word "Judge".

WE ASK FOR THIS:

C. RAY DAVENPORT,
Commissioner of Labor and Industry

By: 
Counsel for Plaintiff

12/19/06
Date

Diane L. Duell
Special Assistant Commonwealth's Attorney
13 South Thirteenth Street
Richmond, VA 23219
(804) 786-4289

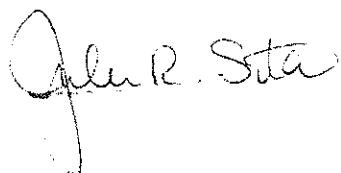
SEEN AND AGREED TO:

KBS, INC.,

By: 
Counsel for Defendant

10-10-06
Date

Devon Williams Cushman
Hirschler Fleischer, P.C.
Federal Reserve Bank Building
701 East Byrd Street
Richmond, VA 23219



VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF PETERSBURG

C. RAY DAVENPORT,)
 Commissioner of Labor and Industry)
)
 Plaintiff,)
)
 v.)
)
 MID EASTERN BUILDERS, INC.)
)
 Defendant.)

AUG 28 2006

Case No. CH05-322

AGREED FINAL ORDER

WHEREAS, on or about December 1, 2004, Commissioner C. Ray Davenport issued a citation to the defendant, Mid Eastern Builders, 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 \$9,425.00; and


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

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 1a, § 1926.350(a)(9) and Item 1b, § 1926.350(a)(10) are reduced from serious to other-than-serious, with an assessed penalty of \$1625.00;
 - b. Citation 1, Item 2a, § 1926.403(b)(2); Item 2b, § 1926.404(b)(1)(ii); Item 2c, § 1926.405(b)(1) and Item 2d, § 1926.405(g)(2)(iv) are vacated, along with the \$1625.00 penalty;
 - c. Citation 1, Item 3, § 1926.651(c)(2) is vacated, along with the \$1625.00 penalty;
 - d. Citation 1, Item 4, § 1926.652(a)(1) is vacated, along with the \$3250.00 penalty.

- f. Citation 2, Item 2, § 1926.405(g)(2)(v) is vacated, along with the \$650.00 penalty.
2. Mid Eastern Builders, Inc., shall pay the total penalty of \$1625.00 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 307360867 noted on the payment.
3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), Mid Eastern Builders, Inc., shall post a copy of this order for ten (10) consecutive days at its workplaces in Virginia in a conspicuous location where notices to employees generally are posted.
4. Mid Eastern Builders, Inc., certifies that the affirmed violations referenced above in this Order have been corrected and abated.
5. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability or guilt by Mid Eastern Builders, 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.
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 civil cases. The Clerk shall send a certified copy of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.

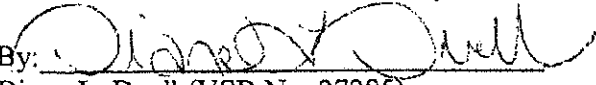
Entered this 28th day of August, 2006.



Judge S. Pamela Baskervill

We ask for this:

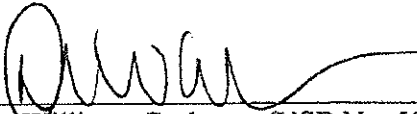
C. Ray Davenport,
Commissioner of Labor and Industry

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)

SEEN AND AGREED:

Mid Eastern Builders, Inc.

By: 

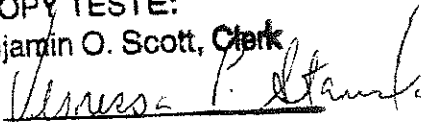
Devon Williams Cushman (VSB No. 50964)

HIRSCHLER FLEISCHER, P.C.
701 East Byrd Street
Post Office Box 500
Richmond, Virginia 23218-0500
804.771.9548
804.644.0957 (fax)

Counsel for Mid Eastern Builders, Inc.

A COPY TESTE:

Benjamin O. Scott, Clerk

By: 

Deputy Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

C. RAY DAVENPORT,)
Commissioner of Labor & Industry)
)
Plaintiff,)
)
)
NORTHSIDE ELECTRIC COMPANY,)
)
Defendant)

Case No. CH0300001612-00

AGREED ORDER

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

1. In settlement of the matters alleged in this action, the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, Item 1, is amended from a serious to an unclassified violation of Va. Code § 40.1-49.4. The initial penalty of \$3,000.00 is reduced to \$1,800.00;
 - b. Citation 2, Item 1, is amended from a willful to an unclassified violation of Va. Code § 40.1-49.4. The initial penalty of \$30,000.00 is reduced to \$17,850.00.
2. Northside Electric Company shall pay the penalty of \$ 19,650.00 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 304772346 noted on the payment. The amount of the penalty to be paid shall not be construed to indicate a particular classification of the amended violation.
3. Northside Electric Company certifies that the violations alleged in this agreement were abated.

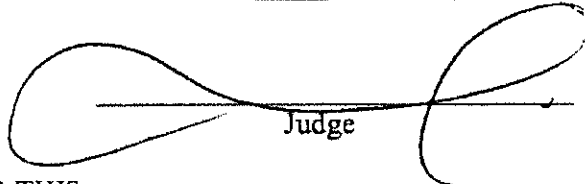
4. As further consideration for the modification of the terms of the original citation, Northside Electric Company agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

5. Northside Electric Company shall post a copy of this Order for a period of thirty (30) days in a conspicuous location where notices to its employees are generally posted.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Northside Electric Company. 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.


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.

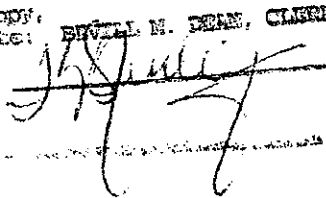
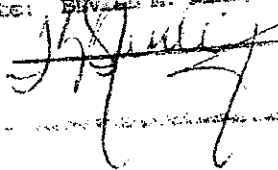
Entered this 18 day of September, 2006.


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
13 South 13th Street
Richmond, Virginia 23219-4101
(804) 786-4289
(804) 786-8418 (fax)

A Copy,
Teste:  BEVELL N. DEANE, CLERK
RE:  D.C.

Northside Electric Company

By: 
Dabney J. Carr, IV (VSB No. 28679)
Troutman Sanders LLP
Troutman Sanders Building
1001 Haxall Point
P.O. Box 1122
Richmond, Virginia 23218-1122
(804) 697-1238
(804) 698-5119 (fax)

Counsel for Northside Electric Company

VIRGINIA:

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry)	
)	
Plaintiff,)	
)	
v.)	Case No. CH05-00018
)	
PILGRIM'S PRIDE CORPORATION)	
)	
Defendant.)	

AGREED FINAL ORDER

WHEREAS, on or about November 1, 2004, Commissioner C. Ray Davenport issued a citation to the defendant, Pilgrim's Pride Corporation, alleging serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for General Industry, and proposing a civil penalty of \$13,375.00; and

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

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 1a, § 1910.252(a)(2)(iv) is grouped with Item 1c, § 1910.252(a)(2)(xiv)(E), with an assessed penalty of \$1275.00. The language in the citation is amended as follows:

Citation 1, item 1a, § 1910.262(a)(2)(iv): The employer did not ensure that its supervisors undertook appropriate procedures for the approval of welding operations or set forth precautions to be followed through the issuance of a written permit.

At the Broadway, VA complex, the employer claimed that a hot work permit had been issued. Copies of the hot work permits are normally kept in the Supervisor's office. The copy could not be located. The accident investigation revealed that, in the past, hot work permits have not always been issued for welding operations and that supervisors have not always followed procedures for approving welding operations.

- b. Citation 1, Item 1b, § 1910.252(a)(2)(xiii)(C) is grouped with Citation 1, item 2, § 1910.254(d)(1), with an assessed penalty of \$1275.00. The language in the citation is amended as follows:

Citation 1, item 1b, § 1910.252(a)(2)(xiii)(C) - The employer did not ensure that cutters and welders and their supervisors are suitably trained in the safe operation of their equipment and the safe use of the process.

At the Broadway, VA complex, it was determined that some maintenance employees who are welders and their supervisors, had not been suitably trained for welding operations.

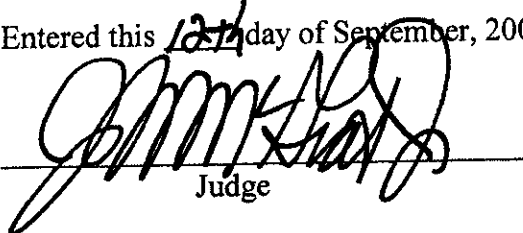
- c. Citation 1, Item 3, § 1910.254(d)(6) is vacated, along with the \$7000.00 penalty;
 - d. Citation 1, Item 4, § 1910.303(g)(2)(i) remains serious as issued, with a \$1275.00 penalty;
 - e. Citation 1, Item 5, § 1910.305(g)(1)(iii)(B) remains serious as issued with a \$1275.00 penalty; and
 - f. Citation 1, item 6, § 1910.305(j)(2)(i) remains serious as issued with a \$1275.00 penalty.
2. Pilgrim's Pride Corporation shall pay the total penalty of \$6375.00 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 307290940 noted on the payment.
 3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), Pilgrim's Pride Corporation shall post a copy of this order for ten (10) consecutive days at its workplaces in Virginia in a conspicuous location where notices to employees generally are posted.
 4. Pilgrim's Pride Corporation certifies that the affirmed violations referenced above in this Order have been corrected and abated.

5. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Pilgrim's Pride 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.

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 civil cases. The Clerk shall send a certified copy of this order to the Special Assistant Commonwealth's Attorney and the Defendant's counsel.


Entered this 12th day of September, 2006.



Judge

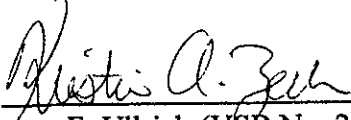
We ask for this:

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)

SEEN AND AGREED:

Pilgrim's Pride Corporation

By: 
Thomas E. Ullrich (VSB No. 28737)
Kristin A. Zech (VSB No. 68826)
Wharton, Aldhizer & Weaver, PLC
100 South Mason Street
Post Office Box 20028
Harrisonburg, Virginia 22801
540.438.5322
540.434.5502 (fax)

Counsel for Pilgrim's Pride Corporation

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ROANOKE

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry)	
)	
Plaintiff,)	
)	
v.)	Case No. CL06-384
)	
ROANOKE ELECTRIC STEEL)	
CORPORATION)	
)	
Defendant.)	

AGREED FINAL ORDER

WHEREAS, on or about October 26, 2005, Commissioner C. Ray Davenport issued a citation to the defendant, Roanoke Electric Steel Corporation, alleging serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for General Industry, and proposing a civil penalty of \$22,000.00; and

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

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, § 1910.333(a)(1) remains serious as cited. The assessed penalty of \$7000.00 is reduced to \$4200.00
 - b. Citation 1, Item 2a, § 1910.333(a)(2) and Citation 1, item, 2b, § 1910.333(b)(1) are vacated, along with the \$5000.00 penalty;
 - c. Citation 1, Item 3, § 1910.335(a)(1)(i) is reduced from Serious to Other-Than-

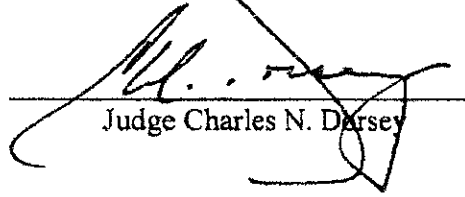
Serious. The penalty of \$5000.00 is reduced to \$3000.00; and

- d. Citation 1, Item 4, § 1910.335(b)(1) is reduced from Serious to Other-Than-Serious. The \$5000.00 penalty is reduced to \$3000.00.
2. Roanoke Electric Steel Corporation shall pay the total penalty of \$10,200.00 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 308975556 noted on the payment.
3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), Roanoke Electric Steel Corporation shall post a copy of this order for ten (10) consecutive days at its workplaces in Virginia in a conspicuous location where notices to employees generally are posted.
4. Roanoke Electric Steel Corporation certifies that the affirmed violations referenced above in this Order has been corrected and abated.
5. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by Roanoke Electric Steel 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.
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 civil cases. The Clerk shall certify copies of this order to the Special Assistant Commonwealth's Attorney the defendant.

CND

06-384

Entered this 16th day of August, 2006.




Judge Charles N. Darsey

We ask for this:

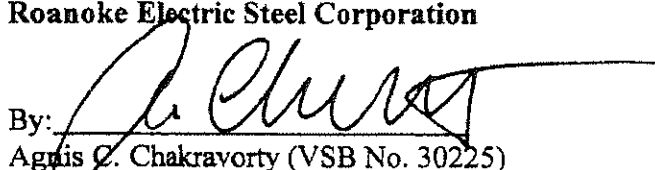
C. Ray Davenport,
Commissioner of Labor and Industry

A COPY TESTE GRENDA S. HAMILTON, CLERK
 Deputy Clerk

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)

SEEN AND AGREED:

Roanoke Electric Steel Corporation

By: 
Agnis C. Chakravorty (VSB No. 30225)
Woods Rogers, PLC
Wachovia Tower, Suite 1400
10 South Jefferson Street
Post Office Box 14125
Roanoke, Virginia 24038-4125
540.983.7727
540.983.7711 (fax)

Counsel for Roanoke Electric Steel Corporation

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF CHESTERFIELD

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
)	
Plaintiff,)	
)	
v.)	Chancery No. 04-246
)	
ROGAR INTERNATIONAL CORP.)	
)	
Defendant.)	

AGREED FINAL ORDER

WHEREAS, on or about January 24, 2003 the Commissioner issued Citations to the defendant Rogar International Corp. ("Rogar") alleging eleven "serious," three "repeat" and two "other-than-serious" violations of the Virginia Occupational Safety and Health ("VOSH") Standards for General Industry, and proposing a civil penalty of \$10,950.00 (Inspection No. 305649550); and

WHEREAS on or about February 10, 2003, the Commissioner issued Citations to Rogar alleging ten "serious" and two "other than serious" violations of the VOSH Standards for General Industry, and proposing a civil penalty of \$1,575.00 (Inspection No. 305263386); and

WHEREAS, Rogar, within 15 working days from the date of the receipt of each set of citations, 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. The citations for Inspection No. 305649550 are hereby amended as follows:
 - a. Citation 1, Item 1 is vacated, if Rogar documents to the Commissioner that a guard has been placed over the foot control pedal on the hydraulic press before the expiration of 45 days following the entry of this final order - if no documentation is provided the Citation is affirmed with a penalty of \$900.00;
 - b. Citation 1, Item 2 is grouped with Citation Items 4a and 5 and the grouped Items are affirmed with a penalty of \$1,200.00 for the grouped violations;
 - c. Citation 1, Items 3a, 3c, 3d, 3e and 3f are affirmed with a \$300.00 penalty for the grouped violations;
 - d. Citation 1, Item 3b is vacated;
 - e. Citation 1, Item 4b is vacated;
 - f. Citation 2, Item 1 is vacated;
 - g. Citation 2, Item 2 is reduced to "other than serious" with a \$300.00 penalty;
 - h. Citation 2, Item 3 is reduced to "serious" with a \$1,200.00 penalty;
 - i. Citation 3, Item 1 is vacated; and
 - j. Citation 3, Item 2 is vacated.
2. The citations for Inspection No. 305263386 are hereby amended as follows:
 - a. Citation 1, Item 1a is reduced to "other than serious" and renumbered Citation 1, Item 1 and affirmed with a \$600.00 penalty;
 - b. Citation 1, Item 1b is reduced to "other than serious" and renumbered Citation 1, Item 2 with no penalty;
 - c. Citation 1, Item 1c is reduced to "other than serious" and renumbered

Citation 1, Item 3 with no penalty;

d. Citation 1, Item 1d is reduced to "other than serious" and renumbered Citation 1, Item 4 with no penalty, if Rogar, before the expiration of 45 days following the entry of this final order, provides documents to the Commissioner that their employee or employees doing spray painting has had a medical evaluation conducted between June 8, 2005 through 45 days following the entry of this final order - if no such documentation is provided the Citation is affirmed with a penalty of \$150.00;

e. Citation 1, Item 1e is reduced to "other than serious" and renumbered Citation 1, Item 5 with no penalty, if Rogar, before the expiration of 45 days following the entry of this final order, provides documents to the Commissioner that their employee or employees doing spray painting has had a respirator fit test conducted between June 8, 2005 through 45 days following the entry of this final order - if no such documentation is provided the Citation is affirmed with a penalty of \$150.00;

f. Citation 1, Item 1f is vacated;

g. Citation 1, Items 2a, 2b, 2c and 2d are vacated, if Rogar documents to the Commissioner before the expiration of 45 days following the entry of this final order, that any extinguishers provided for use in its current facility are properly mounted and inspected and that the employees that may use the extinguishers are properly trained - if no documentation is provided the Citation is affirmed with a penalty of \$675.00;

h. Citation 2, Item 1 is vacated;

i. Citation 2, Item 2 is vacated; and

j. Citation 2, Item 3 is vacated.

3. The total penalty due of \$3,600.00 shall be paid as follows:

a. Rogar shall remit \$900.00 to the Commonwealth within fifteen (15) days of entry of this final order. Payment shall be made by check or money order, and shall be payable to the Treasurer of Virginia, with VOSH Inspection Nos. 305649550 and 305263386 noted on the payment; and

b. Rogar shall pay the remaining penalty in three (3) installments of \$900.00, with the first installment due within four months of the entry of this final order, the second installment due within eight months of the entry of this final order, and the final installment due within twelve months of the entry of this order.

4. As part of the settlement of these citations, Rogar will request a safety and health consultation survey from the Virginia Department of Labor and Industry Office of Cooperative Programs, Safety and Health Consultation Services, within 45 days following the entry of this order. The resulting survey shall be conducted in the due course of Safety and Health Consultation Services' business. Documentation verifying request for the survey and completion of the survey 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

5. As further consideration for the modification of the terms of the original contest, Rogar agrees to withdraw its original notice of contest and waives its right to contest the citations remaining pursuant to this agreed order.

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

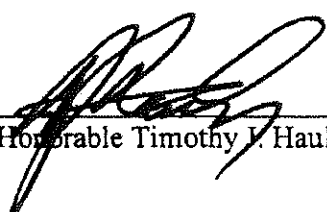
7. Rogar certifies that the violations referenced in this agreed order have been abated and/or will be abated within 45 days following entry of this agreed order, provided that the appropriate abatement is known to Rogar. Rogar will contact VOSH's compliance personnel within 45 days of entry of this agreed order to seek aid and assistance in properly abating such violations during the consultation survey referenced in paragraph numbered 4 above.

8. This agreed order is meant to settle the above contested claims, and is not to be considered an admission of liability by Rogar. 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 agreed 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 *Va. Code* § 40.1-3.

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

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 Special Assistant Commonwealth's Attorney and Rogar's counsel.

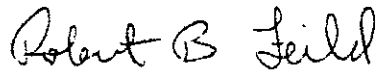
Entered this ~~Nin~~ day of September, 2006.



The Honorable Timothy J. Hauler, Judge

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry



By:

Robert B. Feild (VSB No. 23864)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, VA 23219-4101
804-786-4777
804-786-8418 (fax)

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

Seen and agreed:



By:

Elaine R. Jordan (VSB No. 27284)
Randall H. Wintory (VSB No. 43312)
Sands, Anderson, Marks & Miller, P. C.
801 East Main Street
P. O. Box 1998
Richmond, Virginia 23218-1998
(804) 648-1636
(804) 783-7291 (fax)

Counsel for Rogar International Corp.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF CHESTERFIELD

C. RAY DAVENPORT,)	
Commissioner of Labor and Industry,)	
)	
Plaintiff,)	
)	
v.)	Chancery No. 04-246
)	
ROGAR INTERNATIONAL CORP.)	
)	
Defendant.)	

AGREED FINAL ORDER

WHEREAS, on or about January 24, 2003 the Commissioner issued Citations to the defendant Rogar International Corp. ("Rogar") alleging eleven "serious," three "repeat" and two "other-than-serious" violations of the Virginia Occupational Safety and Health ("VOSH") Standards for General Industry, and proposing a civil penalty of \$10,950.00 (Inspection No. 305649550); and

WHEREAS on or about February 10, 2003, the Commissioner issued Citations to Rogar alleging ten "serious" and two "other than serious" violations of the VOSH Standards for General Industry, and proposing a civil penalty of \$1,575.00 (Inspection No. 305263386); and

WHEREAS, Rogar, within 15 working days from the date of the receipt of each set of citations, 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. The citations for Inspection No. 305649550 are hereby amended as follows:
 - a. Citation 1, Item 1 is vacated, if Rogar documents to the Commissioner that a guard has been placed over the foot control pedal on the hydraulic press before the expiration of 45 days following the entry of this final order - if no documentation is provided the Citation is affirmed with a penalty of \$900.00;
 - b. Citation 1, Item 2 is grouped with Citation Items 4a and 5 and the grouped Items are affirmed with a penalty of \$1,200.00 for the grouped violations;
 - c. Citation 1, Items 3a, 3c, 3d, 3e and 3f are affirmed with a \$300.00 penalty for the grouped violations;
 - d. Citation 1, Item 3b is vacated;
 - e. Citation 1, Item 4b is vacated;
 - f. Citation 2, Item 1 is vacated;
 - g. Citation 2, Item 2 is reduced to "other than serious" with a \$300.00 penalty;
 - h. Citation 2, Item 3 is reduced to "serious" with a \$1,200.00 penalty;
 - i. Citation 3, Item 1 is vacated; and
 - j. Citation 3, Item 2 is vacated.
2. The citations for Inspection No. 305263386 are hereby amended as follows:
 - a. Citation 1, Item 1a is reduced to "other than serious" and renumbered Citation 1, Item 1 and affirmed with a \$600.00 penalty;
 - b. Citation 1, Item 1b is reduced to "other than serious" and renumbered Citation 1, Item 2 with no penalty;
 - c. Citation 1, Item 1c is reduced to "other than serious" and renumbered

Citation 1, Item 3 with no penalty;

d. Citation 1, Item 1d is reduced to "other than serious" and renumbered Citation 1, Item 4 with no penalty, if Rogar, before the expiration of 45 days following the entry of this final order, provides documents to the Commissioner that their employee or employees doing spray painting has had a medical evaluation conducted between June 8, 2005 through 45 days following the entry of this final order - if no such documentation is provided the Citation is affirmed with a penalty of \$150.00;

e. Citation 1, Item 1e is reduced to "other than serious" and renumbered Citation 1, Item 5 with no penalty, if Rogar, before the expiration of 45 days following the entry of this final order, provides documents to the Commissioner that their employee or employees doing spray painting has had a respirator fit test conducted between June 8, 2005 through 45 days following the entry of this final order - if no such documentation is provided the Citation is affirmed with a penalty of \$150.00;

f. Citation 1, Item 1f is vacated;

g. Citation 1, Items 2a, 2b, 2c and 2d are vacated, if Rogar documents to the Commissioner before the expiration of 45 days following the entry of this final order, that any extinguishers provided for use in its current facility are properly mounted and inspected and that the employees that may use the extinguishers are properly trained - if no documentation is provided the Citation is affirmed with a penalty of \$675.00;

h. Citation 2, Item 1 is vacated;

i. Citation 2, Item 2 is vacated; and

j. Citation 2, Item 3 is vacated.

3. The total penalty due of \$3,600.00 shall be paid as follows:

of entry of this final order. Payment shall be made by check or money order, and shall be payable to the Treasurer of Virginia, with VOSH Inspection Nos. 305649550 and 305263386 noted on the payment; and

b. Rogar shall pay the remaining penalty in three (3) installments of \$900.00, with the first installment due within four months of the entry of this final order, the second installment due within eight months of the entry of this final order, and the final installment due within twelve months of the entry of this order.

4. As part of the settlement of these citations, Rogar will request a safety and health consultation survey from the Virginia Department of Labor and Industry Office of Cooperative Programs, Safety and Health Consultation Services, within 45 days following the entry of this order. The resulting survey shall be conducted in the due course of Safety and Health Consultation Services' business. Documentation verifying request for the survey and completion of the survey 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

5. As further consideration for the modification of the terms of the original contest, Rogar agrees to withdraw its original notice of contest and waives its right to contest the citations remaining pursuant to this agreed order.

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

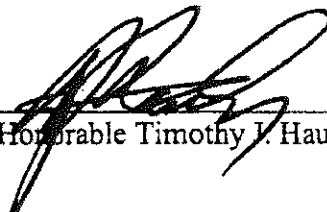
7. Rogar certifies that the violations referenced in this agreed order have been abated and/or will be abated within 45 days following entry of this agreed order, provided that the appropriate abatement is known to Rogar. Rogar will contact VOSH's compliance personnel within 45 days of entry of this agreed order to seek aid and assistance in properly abating such violations during the consultation survey referenced in paragraph numbered 4 above.

8. This agreed order is meant to settle the above contested claims, and is not to be considered an admission of liability by Rogar. 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 agreed 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 *Va. Code* § 40.1-3.

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

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 Special Assistant Commonwealth's Attorney and Rogar's counsel.

Entered this 15th day of September, 2006.



The Honorable Timothy J. Hauler, Judge

COMMISSIONER OF LABOR AND INDUSTRY

Robert B Feild

By:

Robert B. Feild (VSB No. 23864)
Special Assistant Commonwealth's Attorney
Virginia Department of Labor & Industry
13 South 13th Street
Richmond, VA 23219-4101
804-786-4777
804-786-8418 (fax)

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

Seen and agreed:

Elaine R Jordan

By:

Elaine R. Jordan (VSB No. 27284)
Randall H. Wintory (VSB No. 43312)
Sands, Anderson, Marks & Miller, P. C.
801 East Main Street
P. O. Box 1998
Richmond, Virginia 23218-1998
(804) 648-1636
(804) 783-7291 (fax)

Counsel for Rogar International Corp.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK

C. RAY DAVENPORT,
Commissioner of Labor and Industry,

Plaintiff,

v.

CHANCERY NO. 05-3115

S. B. BALLARD CONSTRUCTION COMPANY, INC.,

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 citations attached to the Bill of Complaint are hereby amended as follows:
 - a) Serious Citation 1, Item 1 is vacated.
 - b) Serious Citation 1, Item 2 is affirmed as written with an assessed penalty of \$7,000.00;
2. That the Defendant shall pay the total penalty of \$7,000.00 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 VOSH inspection number 308481589 noted on the payment;
3. That the Defendant will conduct a training session for its field supervisory personnel on § 1926.503(c) within forty-five (45) days of the entry of the final order. Within six months of the entry of the final order training, such as a toolbox talk or other safety meeting, shall be conducted for the field employees of the Defendant. Such training shall include the use and placement of

of the training shall be sent to:

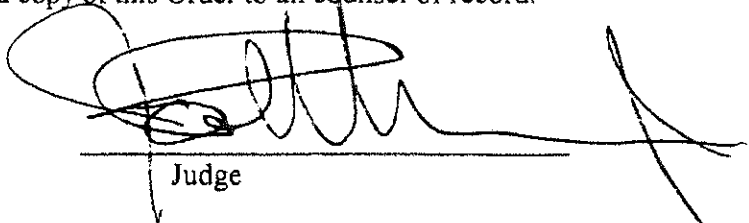
Lloyd Bolt
Compliance Manager
Interstate Corporate Center, Building 6
6363 Center Drive, Suite 101
Norfolk, Virginia 23502

4. That the Defendant shall withdraw its original notice of contest, and hereby waives its right to contest the remaining terms contained in this Order;
5. That the violation affirmed in paragraph 1b may only be used as the basis for a repeat citation for two years from the date of the entry of this agreed order.
6. That the Defendant 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. That this Order shall be construed to advance the purpose of Virginia Code § 40.1-3;
8. That the Commissioner may use this Order in future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia, or any other authority;
9. That 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;
10. That each party shall bear its own costs in this matter.

It is ORDERED, ADJUDGED, and DECREED that this matter be, and hereby is,
dismissed with full prejudice and stricken from the docket of this Court.

Entered this 20 day of Sept 2006.

The Clerk shall send an attested copy of this Order to all counsel of record.

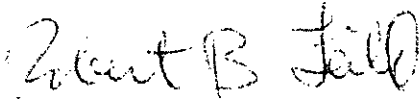


Judge

John C. Morrison, Jr., Judge

WE ASK FOR THIS:

C. RAY DAVENPORT, Commissioner of Labor and Industry



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

Counsel for Commissioner Davenport

SEEN AND AGREED:

S. B. BALLARD CONSTRUCTION COMPANY, INC.



Michael L. Sterling, Esquire
VanDeventer Black, LLP
500 World Trade Center
Norfolk, Virginia 23510
Telephone: (757) 446-8600
Facsimile: (757) 446-8670

Counsel for S. B. Ballard Construction Company, Inc.

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BY
Clerk
of George A. ...
Date: 9-21-06 RK

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

C. RAY DAVENPORT, Commissioner of)	
Labor and Industry,)	
)	
Plaintiff,)	
v.)	CHANCERY NO. 03-700-03
)	
WILLIAMS BRIDGE COMPANY,)	
)	
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 citations attached to the Bill of Complaint are hereby amended as follows:
 - a. Serious citation 1, Item 1a is affirmed with a reduced penalty of \$1,000.00. The parties acknowledge that the reference to head protection in Citation 1, Item 1a pertains only to abrasive blasting respirators and has no relation to head protection by hard hats against falling objects and similar hazards."
 - b. Serious citation 1, Item 1b is vacated.
 - c. Serious citation 1, Item 1c is reduced to other than serious with no penalty.
 - d. Serious citation 1, Items 2a, 2b and 2c are reduced to other than serious with no penalty..
 - e. Serious citation 1, Item 3 is affirmed with a reduced penalty of \$1,000.00.
 - f. Serious citation 1, Items 4a, 4b, 4c, 4d, 4e and 4f are reduced to other than serious with no penalty.
 - g. Serious citation 1, Item 5a, 5b and 5c are reduced to other than serious with no penalty.
 - h. Serious citation 1, Item 6 is reduced to other than serious with no penalty.

- i. Serious citation 1, Item 7 is reduced to other than serious with no penalty.
- j. Other-than-serious citation 2, item 1 is affirmed with no penalty.
- k. Other-than-serious citation 2, item 2 is affirmed with no penalty.
- l. Other-than-serious citation 2, item 3 is affirmed with no penalty.
- m. Other-than-serious citation 2, item 4 is affirmed with no penalty.
- n. Other-than-serious citation 2, item 5 is affirmed with no penalty.
- o. Other-than-serious citation 2, item 6 is affirmed with no penalty.
- p. Other-than-serious citation 2, item 7 is affirmed with no penalty.
- q. Other-than-serious citation 2, item 8 is affirmed with no penalty.
- r. Other-than-serious citation 2, item 9 is affirmed with no penalty.
- s. Other-than-serious citation 2, item 10 is affirmed with no penalty.
- t. Other-than-serious citation 2, item 11 is affirmed with no penalty.
- u. Other-than-serious citation 2, item 12 is affirmed with no penalty.
- v. Other-than-serious citation 2, item 13 is affirmed with no penalty.

2. That the Defendant shall pay the total penalty of \$2,000.00 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 VOSH inspection number 3032620475 noted on the payment;

3. That the Defendant shall withdraw its original notice of contest, and hereby waives its right to contest the remaining terms contained in this Order;

4. That the Defendant shall certify within fifteen (15) days of the entry date of this Order that all violations affirmed in this Order have been abated;

5. That the Defendant 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;

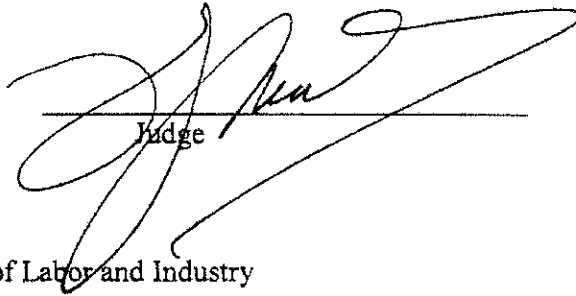
6. That this Order shall be construed to advance the purpose of Virginia Code § 40.1-3;
7. That the Commissioner may use this Order in future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia, or any other authority;
8. That under Virginia Code § 40.1-51.3:2, 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;
9. Except for these proceedings, and matters arising out of these proceedings, and any other subsequent VOSH proceedings between the parties, nothing in this agreement nor any foregoing statements, findings or actions taken by the Defendant shall be deemed an admission by the Defendant of the allegations of the citation, said allegations having been specifically denied. Defendant is entering into this Agreement without prejudice to its right to assert in any subsequent action or proceeding that any future existing conditions identical or similar to those alleged in the original citation, the citation as amended, or the complaint do not violate VOSH regulations or any standard promulgated thereunder. Furthermore, the parties agree that the citations, as amended, do not make any charges either, expressed or implied, that the conditions set forth were the cause or proximate cause of any accident or damages. The agreements, statements, findings and actions taken herein are made for the purpose of compromising and settling

this matter economically and amicably, and they shall not be used for any other purpose whatsoever, except as herein stated.

10. That each party shall bear its own costs in this matter.

It is ORDERED, ADJUDGED, and DECREED that this matter be, and hereby is, dismissed with full prejudice and stricken from the docket of this Court. The Clerk shall send an attested copy of this Order to all counsel of record.

Entered this 8 day of Sept 2006.



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

Counsel for Commissioner Davenport

SEEN AND AGREED:
WILLIAMS BRIDGE, INC.



Thomas A. Bowden

Thomas A. Bowden
Kollman & Saucier, P.A.
20 South Charles Street
8th Floor, Sun Life Bldg.
Baltimore, MD 21201
Telephone: (410) 727-4300, Facsimile: (410) 727-4391

Counsel for Williams Bridge, Inc.