

1 it possible at some point if we can get copies of  
2 these?

3 THE COURT: Sure. We'll make copies  
4 of them all if you'll remind me.

5 MS. HOWARD-FISHBURNE: Okay. Thank  
6 you.

7 THE COURT: All right. Let's take a  
8 few minutes and I'll go back here and I'll be back  
9 with a decision momentarily.

10 (Thereupon, a brief recess was taken.)

11 THE COURT: All right. Let's go back  
12 on the record. The parties have stipulated and  
13 agreed to amend both items -- citation one, item  
14 one and citation one, item two from an alleged  
15 failure to abate violations to repeat violations.

16 Remaining at issue are the penalties  
17 which were proposed for both violations. After  
18 due consideration and oral testimony and financial  
19 records, other documentation, documentary evidence  
20 that's been received today, I find that the  
21 appropriate would be the following. For the  
22 repeat violation of 29 CFR 1910.147(c)(1)  
23 involving lockout/tagout repeat violation, I find  
24 the appropriate penalty of \$200.

25 For citation one, item two, repeat

1 violation of 29 CFR 1910.178(1)(1)(i), the repeat  
2 violation of the forklift training program, I find  
3 a penalty of \$300 to be appropriate.

4 So it's ordered that citation one,  
5 item one and citation one, item two are affirmed  
6 as repeat violations and a penalty of \$200 is  
7 assessed for the first item and \$300 is assessed  
8 for the second item. Total penalty assessment of  
9 \$500 for both violations.

10 Anything further?

11 MS. HOWARD-FISHBURNE: No.

12 THE COURT: Anything further,  
13 Mr. Edgerton?

14 MR. EDGERTON, JR.: I guess that  
15 check is made out to OSHA.

16 THE COURT: That would be made out to  
17 OSHA.

18 MR. EDGERTON, JR.: And do I have  
19 a -- can I have some time to do that?

20 THE COURT: That's something you'll  
21 have to work out with OSHA. I'll enter my  
22 decision after I receive the transcript. So my  
23 guess is within 30 days I'll be issuing my  
24 decision.

25 MR. EDGERTON, JR.: So I have 30 days