

**UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

Secretary of Labor,
Complainant,

v.

OSHRC Docket No. **02-0503**

Rowland, Inc.,
Respondent.

EZ

Appearances:

Michael K. Hagan, Esquire
Office of the Solicitor
U. S. Department of Labor
Atlanta, Georgia
For Complainant

John M. Hament, Esquire
Kunkel, Miller & Hament
Sarasota, Florida
For Respondent

Before: Administrative Law Judge Stephen J. Simko, Jr.

DECISION AND ORDER

A hearing was held in Tampa, Florida, on June 4, 2002. At the conclusion of complainant's case-in-chief, the parties met and resolved all issues.

On July 2, 2002, an executed stipulation and joint motion was received in the above-captioned case which resolves the issues pending before the Commission. Respondent withdraws its notice of contest and represents that it has conformed with the applicable posting and service requirements as fixed by the rules of the Commission.

Therefore, it is ORDERED:

1. That the terms of the settlement are approved and incorporated herein as part of this order.
2. That the citation and proposed penalties are hereby vacated, modified and affirmed in accordance with the terms of settlement and a penalty of \$1,600 is assessed.
3. That respondent's notice of contest is hereby dismissed.

SO ORDERED.

Date: July 3, 2002

Judge Stephen J. Simko, Jr.

1924 Building, Suite 2R90

100 Alabama Street, S.W.

Atlanta, Georgia 30303-3104

Phone (404) 562-1640 Fax (404) 562-1650

This order has been sent to:

For the Secretary of Labor:

Jaylynn Fortney, Esquire

Regional Solicitor

U. S. Department of Labor

Office of the Solicitor

Atlanta Federal Center

61 Forsyth Street, Room 7T10

Atlanta, GA 30303

ATTN: Michael K. Hagan, Esquire

For the Employer:

John M. Hament, Esquire

Kunkel, Miller & Hament

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1800 Second Street, Suite 970

Sarasota, FL 34236