

UNITED STATES OF AMERICA  
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

Complainant,

v.

CARMEN PALIOTTA CONTRACTING  
CO.,

Respondent.

Docket No. 96-1720

Appearances: Myrna Butkovitz, Esq.  
Office of the Solicitor of Labor  
US Department of Labor  
For Complainant

Tarek F. Abdalla, Esq.  
Babst, Calland, Clements & Zomnir  
Pittsburgh, PA  
For Respondent

Before: Michael H. Schoenfeld, Administrative Law Judge

***DECISION AND ORDER***

***I Background and Procedural History***

This case arises under the Occupational Safety and Health Act of 1970, 29 U.S.C. § § 651 - 678 (1970) ("the Act").

Having had a worksite in Ohiophyle, Ohio, inspected by a compliance officer of the Occupational Safety and Health Administration ("OSHA"), Carmen Paliotta Contracting Company ("Respondent"), was issued one citation alleging three serious violations of the Act and one citation alleging three willful violations. A total penalty of \$158,900.00 was proposed. Respondent timely contested. The case came on to be heard on October 7, 8 and 9, 1997 in Pittsburgh, Pennsylvania. No affected employees sought to assert party status.

***Jurisdiction***

Complainant alleges and Respondent does not deny that it is engaged in construction and demolition. Respondent does not deny that it uses tools, equipment and supplies which have moved in interstate commerce and conducts a business affecting interstate commerce.

***Discussion***

The parties announced after the hearing that in accordance with Commission Rule 100, 29 C.F.R. § 2200.100, a settlement had been reached.

The terms of the settlement have been reduced to writing and have been submitted. The terms of the settlement meet the requirements of Commission Rule 100(b), 29 C.F.R. § 2200.100(b). Accordingly, the settlement is approved under 5 U.S.C. § 554(c)(1) and Commission Rule 100. The terms of the stipulated settlement are incorporated, in their entirety, by reference in this order.

***Dated:***

Washington, DC

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***Michael H. Schoenfeld***  
***Judge, OSHRC***