

SECRETARY OF LABOR,

Complainant,

v.

NAVILLUS TILE, INC.,

Respondent

Docket No. 03-0029

Appearances:

Mychelle Morgan, Esq.
For the Secretary

Mr. Keith B. Dague
For the Respondent

Before: Chief Judge Irving Sommer

DECISION AND ORDER

This is a proceeding under Section 10(c) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq.(the Act) to review citations issued by the Secretary of Labor pursuant to Section 9(a) of the Act, and the proposed assessment of penalties therein issued, under Section 10(a) of the Act.

Following an inspection of respondent's business site in New York, N.Y., the Secretary of Labor issued two citations charging serious and repeat violations of the standards. The Respondent timely contested the citations. Following the filing of a complaint and answer and pursuant to a notice of hearing, the case came on to be heard in New York, N.Y. on June 4, 2003. No jurisdictional issues are in dispute, the parties having pleaded sufficient facts to establish that the Respondent is subject to the Act and the Commission has jurisdiction of the parties and the subject matter.

DISCUSSION

At the hearing, the parties were able to achieve a settlement through the diligent efforts of their designated representatives and with the assistance of the Court. The settlement, which has now

been reduced to a written stipulated settlement and has been signed by both parties, disposes of this matter in its entirety.

ORDER

The terms and conditions of the stipulated settlement, incorporated herein its entirety, are approved.

/s/

IRVING SOMMER
Chief Judge

DATED: August 1, 2003
Washington, D.C.