

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;

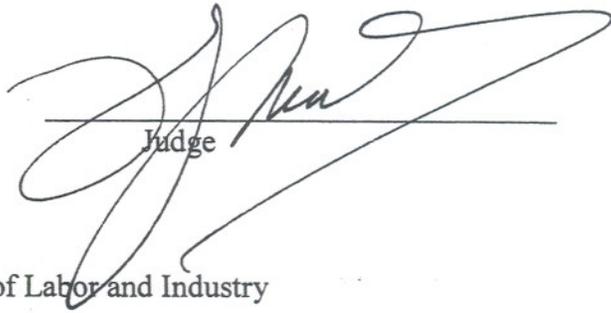
9. Except for these proceedings, and matters arising out of these proceedings, and any other subsequent VOSH proceedings between the parties, nothing in this agreement nor any foregoing statements, findings or actions taken by the Defendant shall be deemed an admission by the Defendant of the allegations 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.

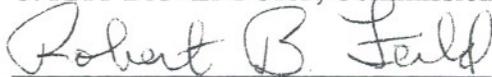
10. That each party shall bear its own costs in this matter.

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  
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Counsel for Commissioner Davenport

**SEEN AND AGREED:**  
WILLIAMS BRIDGE, INC.

  
\_\_\_\_\_  
Thomas A. Bowden

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Counsel for Williams Bridge, Inc.

A COPY

BEVELA M. DEAN, CLERK

BY:

