

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX

C. RAY DAVENPORT,)
Commissioner of Labor & Industry)
Plaintiff,)

Chancery No. 186374

KM BUILDERS, INC., d/b/a)
BARR CONCRETE, INC.)
Defendant.)

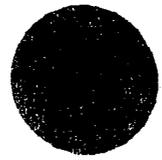
AGREED ORDER

Upon agreement of the parties and for good cause shown, it is hereby ORDERED,
ADJUDGED, and DECREED as follows:

1. In settlement of the matters alleged in this action, the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, Item 1, is amended from a serious to an unclassified violation of Va. Code § 40.1-49.4. and is grouped with Citation 2, item 2, which is amended from a willful to an unclassified violation of Va. Code § 40.1-49.4. The total assessed penalty for this grouped violation is \$35,000.00
 - b. Citation 2, Item 1, is vacated, along with the \$70,000.00 assessed penalty.
2. KM Builders, Inc., d/b/a/ BARR Concrete, Inc., shall pay the penalty of \$35,000.00 within thirty (30) 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 305265571 noted on the payment. The amount of the penalty to be paid shall not be construed to indicate a particular classification of the amended violations.
3. KM Builders, Inc., d/b/a/ BARR Concrete, Inc., certifies that the violations alleged in this agreement were abated.

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No Bond
5/30/07

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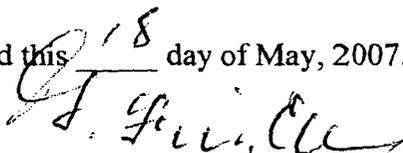
4. As further consideration for the modification of the terms of the original citation, KM Builders, Inc., d/b/a/ BARR Concrete, Inc., agrees to withdraw its original notice of contest and waives its right to contest the remaining terms contained in this Order.

5. KM Builders, Inc., d/b/a/ BARR Concrete, Inc., shall post a copy of this Order for a period of thirty (30) days in a conspicuous location where notices to its employees are generally posted.

6. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by KM Builders, Inc., d/b/a/ BARR Concrete, Inc. Pursuant to Va. 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. This Order may be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia.

7. The Clerk shall strike this matter from the docket of this Court, place it among the ended chancery cases, and shall send an attested copy of this Order to both counsel of record.

Entered this 18 day of May, 2007.



Judge

WE ASK FOR THIS:

C. Ray Davenport,
Commissioner of Labor and Industry

By: John J. Murray
John J. Murray
Assistant Commonwealth's Attorney
County of Fairfax
4110 Chain Bridge Road, Room 123
Fairfax, Virginia 22030
703.246.2776
703.691.4004 (fax)

SEEN AND AGREED:

By: 
Charles P. Groppe (VSB No. 41504)
MORGAN, LEWIS & BOCKIUS, LLP
1111 East Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202.739.3000
202.739.3001 (fax)

Thomas Benjamin Huggett, Esq.
MORGAN, LEWIS & BOCKIUS, LLP
1701 Market Street
Philadelphia, Pennsylvania 19103-2921
215.963.5191

Counsel for KM Builders, Inc.,
d/b/a BARR Concrete, Inc.

A COPY TESTE:

JOHN T. FREY, CLERK

BY: 
Deputy Clerk

Date: 4/3/07

Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia