

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF MONTGOMERY

C. RAY DAVENPORT,)
 Commissioner of Labor and Industry)
)
 Plaintiff,)
)
 v.)
)
 PCL CIVIL CONSTRUCTORS, INC.,)
)
 Defendant.)

Chancery No. 16638

AGREED FINAL ORDER

WHEREAS, on or about April 6, 1999, the Commissioner of Labor and Industry issued a citation to the defendant, PCL Civil Constructors, Inc., alleging serious violations of the Virginia Occupational Safety and Health Standards (VOSH) for General Industry, and proposing civil penalties of \$37,125.00; and

WHEREAS, PCL Civil Constructors, Inc., filed within 15 working days from the date of the receipt of the citation, a written notice contesting the violations and proposed penalties, as provided for in § 40.1-49.4, of the *Code of Virginia*;

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

1. That the citation attached to the Bill of Complaint is hereby amended as follows:
 - a. Citation 1, Item 1; Citation 1, item 7; and Citation 1, Item 8 are grouped into one serious violation. Each violation will retain its assessed penalty of \$1,875.00; \$4,500.00 and \$7,000.00 respectively.
 - b. Citation 1, Item 3, is reduced from serious to other-then serious, with an assessed penalty of \$1,875.00.
 - c. Citation 1, item 6, is reduced from serious to other-than-serious with an assessed penalty of \$7,000.00.

d. Citation 1, item 2; Citation 1, item 4; Citation 1, item 5 and Citation 1, item 9 are vacated, along with their assessed penalties.

2. PCL Civil Constructors, Inc., shall pay the total penalty of \$22,250.00 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 301804605 noted on the payment.

3. Pursuant to *Virginia Administrative Code* § 16 VAC 25-60-40(1), PCL Civil Constructors, Inc., shall post a copy of this order for ten (10) consecutive days at a conspicuous place or location where notices to employees generally are posted.

4. PCL Civil Constructors, Inc. certifies that the asserted violations referenced above in this Order were corrected and abated.

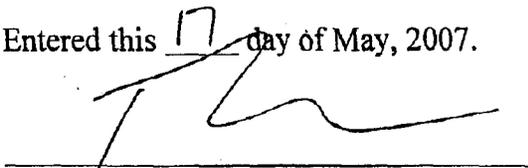
5. This Order is meant to settle the above contested claims, and is not to be considered an admission of liability by PCL Civil Constructors, Inc. Pursuant to Va. Code §40.1-51.3:2, the fact of an issuance of a citation, the voluntary payment of a civil penalty by a party, or the judicial assessment 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. PCL Civil Constructors, Inc. specifically denies it has violated any applicable rule, regulation or statute in connection with this matter. This Order may not be used for future enforcement proceedings and enforcement actions pursuant to Title 40.1 of the Code of Virginia, except to enforce the terms of this Order. Moreover, the asserted violations may not be used as the basis for a repeat, willful, and/or criminal violation after the date of the entry of the Order.

6. Each party will bear its own costs in this matter.

7. The Clerk shall strike this matter from the docket and place it among the ended civil cases. The Clerk shall send a certified copy of this order to the Special Assistant

Commonwealth's Attorney and the Defendant's counsel.

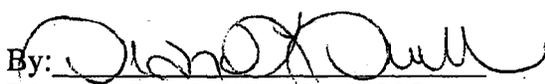
Entered this 17 day of May, 2007.



Judge Robert M. D. Turk

We ask for this:

C. Ray Davenport,
Commissioner of Labor and Industry

By: 
Diane L. Duell (VSB No. 27285)
Special Assistant Commonwealth's Attorney
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SEEN AND AGREED:

By: 

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Counsel for PCL Civil Contractors, Inc.

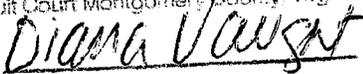
for By: 

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Copy - Tester:

ALLAN C. BURKE

Circuit Court Montgomery County Virginia

By: 

Deputy Clerk