

CCASE:
SOL (MSHA) V. LAKEVIEW ROCK PRODUCTS
DDATE:
19890614
TTEXT:

~1084

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. WEST 88-235-M
A.C. No. 42-01975-05502

v.

Lakeview Rock Products Pit

LAKEVIEW ROCK PRODUCTS, INC.,
RESPONDENT

DECISION

Appearances: Margaret A. Miller, Esq., Office of the Solicitor,
U.S. Department of Labor, Denver, Colorado,
for Petitioner;
Mr. Glenn E. Hughes, President, Lakeview Rock
Products, Inc., North Salt Lake City, Utah,
for Respondent.

Before: Judge Lasher

This matter came on for hearing in Salt Lake City, Utah, on May 11, 1989. At the commencement of hearing, the parties met and discussed the amicable resolution of this matter. A settlement of the four violations involved was ultimately reached in which Respondent agreed to pay in full 3 of the 4 initial penalty assessments (\$20 each for Citations numbered 2650178, 2650179, and 2650217) and to pay a penalty of \$50 in lieu of the originally assessed \$68.00 penalty for Citation No. 2650216. Respondent established to Petitioner's satisfaction the presence of economic difficulties and the parties agreed that this small mine operator with a relatively modest history of prior violations (See Court Exhibit 1) should be allowed a 90-day period within which to pay the penalties agreed on and here assessed. The settlement appears appropriate and its approval at the hearing is here affirmed.

Respondent, if it has not previously done so, is ordered to pay to the Secretary of Labor within 90 days from the date of receipt hereof the total sum of \$110.00 as and for the civil penalties above assessed.

Michael A. Lasher, Jr.
Administrative Law Judge