

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES  
2 SKYLINE, 10th FLOOR  
5203 LEESBURG PIKE  
FALLS CHURCH, VIRGINIA 22041

April 24, 2000

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDINGS
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 98-151-M
Petitioner	:	A.C. No. 29-00785-05527
v.	:	
	:	Docket No. CENT 99-61-M
AGRONICS, INC.,	:	A. C. No. 29-00785-05529
Respondent	:	
	:	Docket No. CENT 99-72-M
	:	A. C. No. 29-00785-05528
	:	
	:	Docket No. CENT 99-73-M
	:	A.C. No. 29-00785-05530
	:	
	:	Docket No. CENT 99-109-M
	:	A. C. No. 29-00785-05531
	:	
	:	Clod Buster Pit No. 1
	:	

## DECISION

Appearances: Erica J. Rinas, Esq., & David Q. Jones, Esq., Office of the Solicitor, U.S. Dept. of Labor, Dallas, Texas, on behalf of Petitioner; Leland Thomas Taylor, President and Representative of Agronics, Inc., Albuquerque, New Mexico, on behalf of Respondents; Christopher D. Shaw, Esq., Dolan & Domenici, P.C., Albuquerque, New Mexico, on behalf of Respondents.

Before: Judge Melick

These cases are before me upon petitions for assessment of civil penalty under Section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). Before commencement of hearings on March 14, 2000, and from 8:30 a.m. to 1:00 p.m., a settlement conference was held. Hearings were thereafter held to address and confirm a motion for settlement. At hearings, Petitioner vacated Citation Nos. 7852529, 7861678 and 4450442 and a reduction in penalty to \$17,000.00 was proposed. I have considered the representations and documentation submitted in these cases including those presented at hearings and I conclude that the proffered settlement is acceptable under the criteria set forth in Section 110(i) of the Act.

**WHEREFORE**, the motion for approval of settlement is **GRANTED**, and it is

**ORDERED** that Respondent pay a penalty of \$17,000.00 in accordance with the terms set forth in the settlement agreement.

Gary Melick  
Administrative Law Judge

Distribution:

Erica J. Rinas, Esq., & David Q. Jones, Esq. , Office of the Solicitor, U. S. Department of Labor,  
525 Griffin Street, Suite 501, Dallas, TX 75202

Christopher D. Shaw, Esq., Dolan & Dominici, P.C., 6100 Seagull St., N.E., Suite 205,  
Albuquerque, NM 87109

Leland Thomas Taylor, President and Representative of Agronics, Inc., 7100-E 2<sup>nd</sup> St., N.W.,  
Albuquerque, NM 87107

/mca