



CONSTRUCTION COMPANY, INC. / ENGINEERS & CONSTRUCTORS

PLAINTIFF'S
EXHIBIT

MGC-53

MEMORANDUM

CONT. NO.

DATE: 11/16/88

TO: Mark Brewer 
FROM: C. J. Ryburn 
SUBJECT: OSHA PROPOSED SETTLEMENT
FOR CITATION AT ARMCO

Agreement has been reached (a general consensus) by our management, including yourself, Bill Brewer, Coy Purcell, Dave Kramer, and the writer, that we should accept the OSHA settlement.

An \$800 check is attached for your submittal, along with the signed form.

Please copy all concerned with your signed form.

CJR/cao

Attachment

11/02-14

cc: D. H. Kramer
B. R. Brewer
Coy Purcell
M. A. Bach
C. Heffner
N. R. Patel



CONSTRUCTION COMPANY, INC. / ENGINEERS & CONSTRUCTORS

MEMORANDUM

CONT. NO.

DATE: November 9, 1988

TO: C. J. Ryburn
FROM: B. R. Brewer
SUBJECT: OSHA

The attached letter is the latest proposal from OSHA, regarding the Asbestos incident at Armco Inc. in Middletown, Ohio.

The latest determinations seem to me to be acceptable, and I suggest we forward these people an Eight Hundred Dollar check and end this situation.

If you are in agreement, please let me know the direction of the resolution.

A handwritten signature in cursive script, appearing to read "Bill R. Brewer", is written over a horizontal line.
Bill R. Brewer

BRB:hr

Attachment

U.S. Department of Labor

Office of the Solicitor
881 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

Reply to the Attention of:

(216) 522-3878
(FTS) 942-3878



RECEIVED

NOV 09 1988

November 4, 1988

Mr. D. Mark Brewer
McGraw Construction Company
P.O. Box 370
Middletown, Ohio 45042

Re: Secretary of Labor v. McGraw Construction Co.
OSHRC Docket No. 88-2264

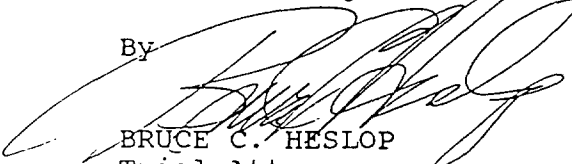
Dear Mr. Brewer:

Pursuant to our telephone conversation on November 3, 1988, I have enclosed for your review an original and three (3) copies of a proposed Settlement Agreement relating to the contested citation at issue in the above-referenced proceeding. Please call me at your earliest convenience after you have had the opportunity to review the proposed Agreement.

Sincerely

WILLIAM S. KLOEPFER
Associate Regional Solicitor

By


BRUCE C. HESLOP
Trial Attorney

Enclosures

SOL:BCH:SML

SOL NO. 13767

McGCon 1996

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,	:	
	:	OSHRC
Complainant,	:	Docket No. 88-2264
v.	:	
McGRAW CONSTRUCTION CO.	:	
Respondent.	:	

SETTLEMENT AGREEMENT

In full settlement and disposition of the issues in this proceeding it is hereby stipulated and agreed by and between the Complaint, Secretary of Labor, and the Respondent, McGraw Construction Co., that:

1. Item 1 of Citation No. 1 and the proposed penalty of \$800 shall be affirmed;
2. Items 2 and 3 of Citation No. 1 and the proposed penalties shall be vacated and dismissed;
3. Respondent represents that the conditions described in Item 1 of Citation No. 1 have been abated;
4. The total penalty due in this proceeding is \$800 which Respondent agrees to pay to Complainant;
5. Respondent hereby withdraws its notice of contest with respect to Citation No. 1 as modified by this Agreement;
6. The parties agree to the entry of a final order consistent with the terms of this Agreement;

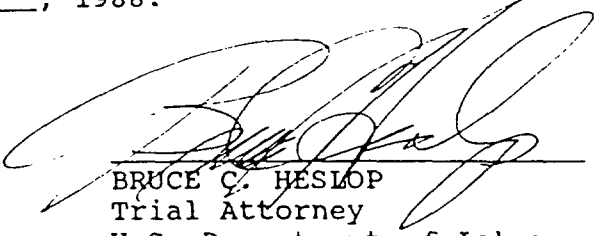
7. None of the foregoing agreements, statements, stipulations and actions taken herein by Respondent shall be deemed an admission by Respondent of the allegations contained in the citation. The agreements, statements, stipulations and actions herein are made solely for the purpose of settling this matter economically and amicably and they shall not be used for any other purpose, except for subsequent proceedings and matters arising under the Occupational Safety and Health Act of 1970;

8. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding;

9. Respondent certifies that a copy of this Agreement was posted at its principal office in Middletown, Ohio on _____, 1988 to afford notice to affected employees.

Dated: _____, 1988.

D. MARK BREWER
General Superintendent
McGraw Construction Co.
P.O. Box 370
31 S. Canal Street
Middletown, Ohio 45042
(513) 422-4521



BRUCE C. HESLOP
Trial Attorney
U.S. Department of Labor
881 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199
(216) 522-3878

OF COUNSEL:

GEORGE R. SALEM
Solicitor of Labor

JOHN H. SECARAS
Regional Solicitor

WILLIAM S. KLOEPFER
Associate Regional Solicitor

SOL NO. 13767

**McGRAW CONSTRUCTION COMPANY, INC.**

Engineers And Constructors

31 S. Canal Street • P.O. Box 370 • Middletown, Ohio 45042

(513) 422-4521

Telex: 288041

Fax: (513) 423-5384

TELEFAX COVER SHEET

DATE: November 10, 1988

TO: IMS - Philadelphia

ATTN: Mr. Coy Purcell

TELEFAX NO: (215) 963-2588

FROM: C. J. Ryburn

CONTRACT OR JOB NUMBER: 382

SUBJECT: Correspondence from
U.S. Department of Labor
RE: OSHRC Docket No. 88-2264

REMARKS: See attached

5

TOTAL PAGES INCLUDING THIS COVER SHEET

McGCon 2000

**McGRAW CONSTRUCTION COMPANY, INC.**

Engineers And Constructors

31 S. Canal Street • P.O. Box 370 • Middletown, Ohio 45042

(513) 422-4521

Telex: 288041

Fax: (513) 423-5384

TELEFAX COVER SHEET

DATE: November 10, 1988

TO: McGraw Construction Co., Inc.

ATTN: Mr. Bill R. Brewer

TELEFAX NO: (219) 787-8907

FROM: C. J. Ryburn

CONTRACT OR JOB NUMBER: 382

SUBJECT: Correspondence from
U.S. Department of Labor
RE: OSHRC Docket No. 88-2264

REMARKS: See attached

5

TOTAL PAGES INCLUDING THIS COVER SHEET

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CJR/cao