

H 9/16/96

COMMONWEALTH OF KENTUCKY
OCCUPATIONAL SAFETY AND HEALTH
REVIEW COMMISSION

KOSHRC #1486

SECRETARY OF LABOR
COMMONWEALTH OF KENTUCKY

COMPLAINANT

VS.

PORTER INDUSTRIES, INC.

RESPONDENT

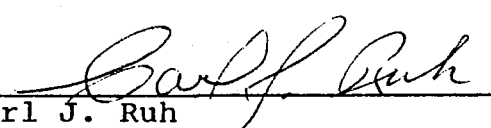
DECISION AND ORDER

In accordance with Section 47(3) of the Rules of Procedure of this Commission, the Hearing Officer's Recommended Order in the above-styled case was called for review on February 17, 1988.

After a careful review of the evidence, the Commission vacates the Recommended Order insofar as it sustains the proposed penalty of \$1,500. We believe that a penalty of \$500 is reasonable and the reduction consistent with the Complainant's statements that credit be given for amounts expended on abatement.

The Commission hereby ORDERS the Respondent to pay a penalty of \$500 for the violations sustained herein. All other findings and conclusions of the Hearing Officer not inconsistent with this opinion are hereby AFFIRMED.

s/William H. Shields
William H. Shields
Chairman


Carl J. Ruh
Commissioner

s/Charles E. Braden
Charles E. Braden
Commissioner

)

DATED: March 1, 1988
DECISION NO. 1828

Copy of the foregoing Order has been served upon the following parties in the manner indicated:

Hon. Rose Ashcraft
Assistant Counsel
Labor Cabinet
Office of General Counsel
U. S. 127 South
Frankfort, KY 40601

(Messenger Mail)

Hon. Phillip Damron
Box 107
Prestonsburg, KY 41653

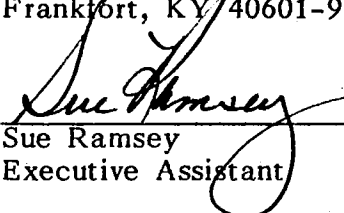
(Cert. Mail #P699 547 522)

Mr. James L. Porter, Pres.
Porter Industries, Inc.
P. O. Box 380
Allen, KY 41601

(First Class Mail)

This 1st day of March, 1988.

KOSH REVIEW COMMISSION
#4 Millcreek Park
Route #3, Millville Road
Frankfort, KY 40601-9427



Sue Ramsey
Executive Assistant