

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

Complainant,

v.

WSC GROUP LLC,

Respondent.

DOCKET NO. 19-0475

STIPULATED SETTLEMENT AGREEMENT

Based upon the following recital, the Complainant and the Respondent herein agree to the following as a conclusion of this matter:

1) The Secretary hereby amends the total proposed penalty to \$50,000.00, to be apportioned as follows:

Citation & Item	Original Proposed Penalty	Amended Proposed Penalty
Citation 1, Item 1	\$5,304.00	\$3,000.00
Citation 1, Item 2	\$5,304.00	\$3,000.00
Citation 1, Item 3	\$53,039.00	\$44,000.00
Total	\$63,647.00	\$50,000.00

2) Respondent affirmatively states that:

a) All violations alleged in the citations have been abated.

b) Respondent has ceased operating as a construction contractor. Respondent no longer has any employees. Respondent will not resume operating as a construction contractor and will not perform any construction work. Respondent's owner/principal Jiaxi "Jimmy" Liu will not be an owner, officer, manager, or supervisor of any company that performs construction work.

3) Respondent will pay the amended proposed penalty of \$50,000.00 to be paid via 30 consecutive monthly installment payments due on the first day of each month, beginning on August 1, 2023. The first 29 installment payments will be for \$1,665 each, and the 30th and final installment payment will be for \$1,715. Payment is to be made via www.pay.gov or by forwarding a check made payable to "Occupational Safety and Health-Labor" in that amount to the OSHA Manhattan Area Office, 201 Varick Street, Room 908, New York, NY 10014. A ten-day grace period shall be allowed for receipt of each payment. In the event that the Area Office does not receive any payment within ten days after it is due, the Area Office will notify Respondent of such fact by regular mail. If the Area Office does not receive payment within ten days of such notification, the entire unpaid balance shall become due immediately. No action or non-action by OSHA shall constitute a waiver of this paragraph.

4) The penalty reduction and payment plan agreed to by the Secretary as set forth in Paragraph 3 above is premised and contingent upon the veracity of Respondent's attestation in Paragraph 2(b) above. Any material misrepresentation or failure to adhere to that attestation by Respondent or by Jiayi "Jimmy" Liu will entitle the Secretary to immediately collect the full original penalty of \$63,647, less any amounts already paid. No action or non-action by OSHA shall constitute a waiver of this paragraph.

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

6) Respondent withdraws its notice of contest in this matter, and agrees that the citations, penalties, and abatement measures (as set forth and amended herein by this Stipulated Settlement) shall become a final order of the Commission on the same date that the Order Terminating Proceeding becomes a final order, as set forth in the Notice of Docketing issued by the Executive Secretary of the Commission.

Date: 7/5/2023

EXECUTED BY:

Jia Rong Li

NAME: Jia Rong Li

TITLE: President

On behalf of Respondent,

WSC Group LLC

Daniel Hennefeld

NAME: DANIEL HENNEFELD

TITLE: OSHA Counsel

On behalf of Complainant, Secretary of Labor



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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
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JOINT NOTIFICATION OF FULL SETTLEMENT

The parties respectfully notify the Court that the parties have fully settled the above captioned case and have executed a formal settlement agreement.

CERTIFICATION OF CITATION ITEMS FULLY SETTLED

The parties certify that all citation items in this case have been fully settled. All settled citation items are set forth, on a separate row, in the following chart. Commission Rule 100(b)(1)(i).¹

Citation No.	Item No.	Resolution: Settled / Withdrawn
1	1	Settled
1	2	Settled
2	1	Settled

¹ OSHRC's new Rules of Procedure were effective June 10, 2019 and all references contained herein refer to these revised Rules. Rules of Procedure, 84 Fed. Reg. 14554 (April 10, 2019) (to be codified at 29 C.F.R. pt. 2200). (<https://www.federalregister.gov/documents/2019/04/10/2019-06581/rules-of-procedure>).

CERTIFICATION OF POSTING

The parties certify that the respondent is no longer in operation and no longer has any employees, and therefore has not posted the settlement agreement.

CERTIFICATION REGARDING PARTY WHO HAS ELECTED PARTY STATUS

The parties certify that any party who has elected party status, under Commission Rule 20, has been afforded an opportunity to provide input on all matters pertaining to the settlement before the settlement agreement was finalized. Commission Rule 100(b)(1)(iii).

CERTIFICATION WHETHER SETTLEMENT INCLUDES PLEADING WITHDRAWAL, AND WHETHER THE WITHDRAWAL IS WITH PREJUDICE

In the following chart, the parties certify the status of any citations, notifications, notices, or petitions, withdrawn in the settlement agreement, and certify whether the withdrawal was with or without prejudice. Each citation item and notification of proposed penalty withdrawn is included, on a separate row, in the chart. Commission Rule 100(b)(1)(iv).

List of Pleadings Withdrawn	Withdrawal – With or Without Prejudice
Notice of Contest	With Prejudice

ACKNOWLEDGEMENT THAT THE PARTIES HAVE NOT PROVIDED THE SETTLEMENT AGREEMENT WITH THIS JOINT NOTIFICATION.

The parties confirm that they have not incorporated the settlement agreement in, or append it to, this joint Notification of Settlement. *See* Commission Rule 100(b)(2).

DRAFT ORDER TERMINATING PROCEEDING.

The parties confirm that they have filed, for execution by the Judge, a draft Order Terminating Proceeding, acknowledging that the parties have resolved contested citation items and agreed to terminate the proceeding before the Commission, pursuant to Commission Rules 100(b)(3); 100(c).

Date: 7/5/2023

EXECUTED BY:

Jia Long Liu

NAME: Jia Long Liu

TITLE: President

On behalf of Respondent,

WSC Group LLC

Daniel Hennefeld

NAME: DANIEL HENNEFELD

TITLE: OSHA Counsel

On behalf of Complainant,

Secretary of Labor.



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ORDER TERMINATING PROCEEDING

The parties have filed a joint Notification of Settlement acknowledging that the parties have resolved all contested citation items and agreed to terminate the proceeding before the Commission in the above captioned case.

IT IS THEREFORE ORDERED that this proceeding is TERMINATED pursuant to Commission Rule 100(b)(3); 100(c).¹

This Order Terminating Proceeding shall become a final Order of the Commission thirty (30) days from the date of its docketing by the Executive Secretary, unless a Commission Member directs review of the order within that time. *See* 29 U.S.C. § 661(j); Commission Rule 90(f).

SO ORDERED.

Dated:
Washington, DC.

Judge, OSHRC

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