

IN THE MATTER OF

WHITMAN, REQUARDT AND

ASSOCIATES, L.L.P.

BEFORE THE

COMMISSIONER OF LABOR

AND INDUSTRY

MOSH CASE NO. V6519-026-08;  
OAH CASE NO. DLR-MOSH-41-  
08-19276

\* \* \* \* \*

**FINAL DECISION AND ORDER**

This matter arose under the Maryland Occupational Safety and Health Act, Labor and Employment Article, Title 5, *Annotated Code of Maryland*. On April 7, 2008, following Occupational Safety and Health Inspections that occurred on March 14, 2008 and March 20, 2008, the Maryland Occupational Safety and Health Unit of the Division of Labor and Industry (“MOSH”) issued a citation to Whitman, Requardt and Associates, L.L.P. (Employer) alleging various violations. A hearing was held on September 8, 2008, at which the parties introduced evidence, presented witnesses, and made arguments. Thereafter, Thomas G. Welshko, Administrative Law Judge sitting as the Hearing Examiner (“HE”), issued a Proposed Decision recommending that the citation be dismissed.

The Employer filed a timely request for review and the Commissioner of Labor and Industry, exercising his authority pursuant to Labor and Employment Article, § 5-214(e), *Annotated Code of Maryland*, ordered review. On April 16, 2009, the Commissioner held a review hearing and heard arguments from the parties. Based upon a review of the entire record and consideration of the relevant law and the positions of the

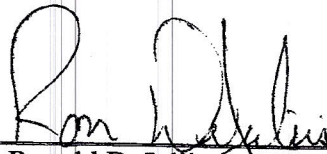
parties, the Commissioner of Labor and Industry hereby affirms the findings of fact and conclusions of law set forth in the Proposed Decision issued on December 29, 2008 by Administrative Law Judge Geraldine A. Klauber.

Therefore on the 8<sup>th</sup> day of June, 2009, the Commissioner hereby

**ORDERS:**

1. Citation 1, Items 1, 2, 3, 4 and 5 are **DISMISSED**.

This Order becomes final 15 days after it issues. Judicial review may be requested by filing a petition for review in the appropriate circuit court. Consult Labor and Employment Article, § 5-215, *Annotated Code of Maryland*, and the Maryland Rules, Title 7, Chapter 200.

  
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J. Ronald DeJuliis  
Commissioner of Labor and Industry