

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

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

May 18, 1995

SECRETARY OF LABOR,	:	CIVIL PENALTY PROCEEDING
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA),	:	Docket No. CENT 94-217-M
Petitioner	:	A. C. No. 23-02071-05505
v.	:	
	:	Amazonia Quarry
IDEKER, INC.,	:	
Respondent	:	

## DECISION APPROVING SETTLEMENT

Appearances: Margaret A. Miller, Esq., Office of the Solicitor,  
U. S. Department of Labor, Denver, Colorado, for  
the Secretary;  
Ken Ideker, St. Joseph, Missouri, pro se.

Before: Judge Maurer

This case is before me upon a petition for assessment of civil penalty under section 105(d) of the Federal Mine Safety and Health Act of 1977 (the Act). An evidentiary hearing in this matter was held on March 2, 1995, in St. Joseph, Missouri. At the conclusion of that hearing, the parties filed a motion to approve a settlement agreement and to dismiss this case. A reduction in penalty from \$1000 to \$500 is proposed. I have considered the representations and documentation submitted in this case, as well as the testimony contained in the record of proceedings and I conclude that the proffered settlement is appropriate 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 \$500 within 30 days of the date of this decision, and upon receipt of that payment by MSHA, these proceedings are **DISMISSED**.

Roy J. Maurer  
Administrative Law Judge

Distribution:

Margaret A. Miller, Esq., Office of the Solicitor,  
U. S. Department of Labor, 1999 Broadway, Suite 1600, Denver, CO

80202-5716 (Certified Mail)

Mr. Ken Ideker, Ideker, Inc., 4614 South 40th Street,  
P. O. Box 7140, St. Joseph, MO 64507 (Certified Mail)

dcp

## EXHIBITS

### **EXHIBITS TO CENT 94-217-M (Ideker, Inc.)**

#### Petitioner's Exhibits

- Exhibit P-1 - R34- Assessed Violation History Report
- Exhibit P-2 - MSHA Form 7000-3 (Mine Citation/Order)
- Exhibit P-3 - Hand drawing of an intersecting conveyor belt
- Exhibit P-3 - MSHA Form 7000-3 (Mine Citation/Order)
- Picture 1 - Conveyor belt
- Picture 2 - Conveyor belt
- Picture 3 - Conveyor belt
- Picture 4 - Intersecting conveyor belts
- Picture 5 - Intersecting conveyor belts
- Picture 6 - Intersecting conveyor belts