



Elevator Shut-Down Order

NC Department of Labor
Elevator Amusement Device Bureau
1101 Mail Service Center
Raleigh NC 27699-1101

www.ncilabor.com/elevator/elevator.htm

State ID:	Type of Unit	Inspection Date	Manufacturer	Installed	Invoice
19385	Passenger	1/20/2023	OTIS	8/1/2000	100000
Owner	WESLEY COMMUNITY DEVELOPMENT, 13816 PROFESSIONAL CENTER DR, HUNTERVILLE N				
User	FIRST UNITED METHODIST CHURCH, 339 ROANOKE AVE, ROANOKE RAPIDS, NC 27870				

During the inspection of the above-referenced device or equipment, which is subject to the provisions of Chapter 95, Article 14A of the N.C. General Statutes (the Elevator Safety Act of North Carolina), the Inspector witnessed certain violations of the Act. These violations are noted in the Invoice which was issued on the date of the inspection, and which is referenced above. As a result, the Commissioner of Labor ("Commissioner") has determined that

- The operation of the above-referenced device or equipment is exposing the public to an unsafe condition likely to result in serious personal injury or property damage
- The operation of the above-referenced device or equipment has not complied with the provisions of Chapter 95, Article 14A of the N.C. General Statutes and Title 13, Chapter 15 of the N.C. Administrative Code

Therefore, pursuant to N.C. Gen. Stat. § 95-110.6, it is hereby ORDERED that the use of this device or equipment shall be immediately stopped or limited until such time as the Commissioner determines that the device or equipment has been made safe for use by the public, and that:

- The Certificate of Operation for the device or equipment NOT BE ISSUED/NOT BE RENEWED
- The Certificate of Operation previously issued for the device or equipment be REVOKED
- The Certificate of Operation previously issued for the device or equipment be SUSPENDED.
- The Certificate of Operation previously issued for the device or equipment be AMENDED.

In accordance with 13 N.C.A.C. 15.0104, you must notify the Bureau Chief of the Elevator and Amusement Device Bureau in writing within 15 days of your receipt of this Order of your decision to either:

- (1) Certify that the device or equipment has been repaired or altered in compliance with the Commissioner's specifications;
- (2) Indicate your intention to comply with the standards of safety for such device or equipment with the understanding that
 - the use of the device or equipment will be stopped/limited as specified by this order;
 - the Certificate of Operation is suspended until the device or equipment has been repaired or altered in compliance with the Commissioner's specifications; or
 - the Certificate of Operation for the device or equipment has been permanently revoked; or,
- (3) Request a hearing with the Office of Administrative Hearings (OAH) pursuant to Chapter 150B, Article 3 of the N.C. General Statutes

Should you wish to request a hearing with OAH, you must file a written petition for a contested case hearing with OAH within sixty (60) calendar days of your receipt of this Order. The address is 6714 Mail Service Center, Raleigh, North Carolina 27699-6714. Notice of your petition also must be served on A. John Hoomani, process agent for the North Carolina Department of Labor, at 1101 Mail Service Center, Raleigh, North Carolina 27699-1101. The requirements for a legally effective hearing request are established by North Carolina General Statutes § 150B-23, a copy of which is included on the back of this Order for your reference.

If you fail to notify the Bureau Chief within 15 days of receipt of this Order, or refuse to discontinue or limit operation of this device or equipment, the Bureau Chief may obtain appropriate injunctive relief.

Your signature on this Order indicates that the above has been explained to you and that you understand the penalties involved in operating any device or equipment when the certificate of operation has not been issued or has been revoked/suspended/amended/not renewed (see N.C. Gen. Stat. § 95-110.10, on reverse).

Paul Z. Adams
Inspector Signature

Mark H. Holler
Owner Signature

Mark H. Holler
Wesley Community Development
1/20/2023



NC Department of Labor Elevator Bureau
1101 Mail Service Center, Raleigh, NC 27699-1101

INSPECTION REPORT

IMPORTANT: Always use State Number in any correspondence relating to your equipment
<https://www.labor.nc.gov/safety-and-health/elevator>
919-707-7927

Report Number
23020-64-5396
State Number
19385

EQUIPMENT INSPECTED

State Number	19385	Type of Unit	Passenger	Floor to Floor	1 to 3
Capacity	2100	Manufacturer	OTIS	Speed	125
Landings	3	Installed	8/1/2000	Rope Size	
Volts	208	Complied	8/1/2000	Entrances	1

OWNER

WESLEY COMMUNITY DEVELOPMENT
13816 PROFESSIONAL CENTER DR
HUNTERVILLE N C, NC 28078

OCCUPANT

FIRST UNITED METHODIST CHURCH
339 ROANOKE AVE
ROANOKE RAPIDS, NC 27870

INSPECTION INFORMATION

<u>Inspection Date</u>	<u>Type Inspection</u>	<u>Certificate Status</u>	<u>Inspector</u>	<u>County</u>	
1/20/2023	Removed	Not Issued	64 - GODWIN	HALIFAX	42

VIOLATIONS

- | | |
|------------|---|
| 5.1.21.1 | Place the car alarm bell in working order. Minimum level of 80 dBA. |
| 8.6.5.14.1 | Provide the annual relief valve and hydraulic system pressure test. |
| 2.27.1.1.1 | Place the in-car Emergency Phone in working order. |

Notify the Elevator Bureau in writing on Corrected Violations Form <https://www.labor.nc.gov/safety-and-health/elevator> when the corrections have been made in order to bring your equipment into compliance with current codes.

Failure to provide notice of abatement will result in a follow-up inspection and fee of \$200.00.

Violations were pointed out to: ANGELA CUNNINGHAM

Inspector: *Paul Z. Godwin*

An invoice will be mailed to:

THIS IS NOT AN INVOICE

To change the invoice mailing address::

WESLEY COMMUNITY DEVELOPMENT
13816 PROFESSIONAL CENTER DR
HUNTERVILLE N C, NC 28078

please call: 919-707-7927
or go to
<https://www.labor.nc.gov/safety-and-health/elevator>

§ 95-110.6. Noncomplying devices and equipment; appeal.

- (a) Whenever the Commissioner determines that a device or equipment is subject to the provisions of this Article, and that the operation of such device or equipment is exposing the public to an unsafe condition likely to result in serious personal injury or property damage, he may immediately order in writing that the use of the device or equipment be stopped or limited until such time as he determines that the device or equipment has been made safe for use by the public.
- (b) Whenever the Commissioner determines that the provisions of this Article or the rules and regulations promulgated thereunder have not been complied with, he may refuse to issue or renew or may revoke, suspend or amend a certificate of operation.
- (c) Whenever action is taken under this section, the affected party shall be given notice of the availability of an administrative hearing and of judicial review in accordance with Chapter 150B of the General Statutes, the Administrative Procedure Act.

§ 95-110.7. Operation without certificate; operation not in accordance with Article or rules and regulations; operation after refusal to issue or after revocation of certificate.

- (a) No person shall operate or permit to be operated or use any device or equipment subject to the provisions of this Article without a valid certificate of operation unless the absence of a valid certificate is the result of the Commissioner's failure to inspect such device.
- (b) No person shall operate or permit to be operated or use any device or equipment subject to the provisions of this Article otherwise than in accordance with this Article and the rules and regulations promulgated thereunder.
- (c) No person shall operate or permit to be operated or use any device or equipment subject to the provisions of this Article after the Commissioner has refused to issue or has revoked the certificate of operation for such device or equipment.

§ 95-110.8. Operation of unsafe device or equipment.

No person shall operate, permit to be operated or use any device or equipment subject to the provisions of this Article if such person knows or reasonably should know that such operation or use will expose the public to an unsafe condition which is likely to result in personal injury or property damage.

§ 95-110.9. Reports required.

- (a) The owner of any device or equipment regulated under the provisions of this Article, or his authorized agent, shall within 24 hours notify the Commissioner of each and every occurrence involving such device or equipment when:
- (1) The occurrence results in death or injury requiring medical treatment, other than first aid, by a physician. First aid means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters and contusions or a diagnostic procedure, including examination and x-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed personnel; or
 - (2) The occurrence results in damage to the device indicating a substantial defect in design, mechanics, structure or equipment, affecting the future safe operation of the device. No reporting is required in the case of normal wear and tear.
- (b) The Commissioner, without delay, after notification and determination that an occurrence involving injury or damage as specified in subsection (a) has occurred, shall make a complete and thorough investigation of the occurrence. The report of the investigation shall be placed on file in the office of the division and shall give in detail all facts and information available. The owner may submit for inclusion in the file results of investigations independent of the department's investigation.
- (c) No person, following an occurrence as specified in subsection (a), shall operate, attempt to operate, use or move or attempt to move such device or equipment, or part thereof, without the approval of the Commissioner, unless so as to prevent injury to any person or persons. (d) No person, following an occurrence as specified in subsection (a), shall remove or attempt to remove from the premises any damaged or undamaged part of such device or equipment or repair or attempt to repair any damaged part necessary to a complete and thorough investigation. The department must initiate its investigation within 24 hours of being notified.

§ 95-110.10. Violations; civil penalties; appeals.

- (a) Any person who violates G.S. 95-110.7(a) or (b) (Operation without certificate; operation not in accordance with Article or rules and regulations) shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250.00) for each day each device or equipment is so operated or used.
- (b) Any person who violates G.S. 95-110.7(c) (Operation after refusal to issue or after revocation of certificate) or G.S. 95-110.9(c) (Reports required) shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) for each day any such device or equipment is operated or used.
- (c) Any person who violates the provisions of G.S. 95-110.9(d) (Reports required) shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00).
- (d) In determining the amount of any penalty ordered under authority of this section, the Commissioner shall give due consideration to the appropriateness of the penalty with respect to the size of the business of the person being charged, the gravity of the violation, the good faith of the person and the record of previous violations.
- (e) The determination of the amount of the penalty by the Commissioner shall be final, unless within 15 days after receipt of notice thereof by certified mail or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, the person charged with the violation takes exception to the determination in which event the final determination of the penalty shall be made in an administrative proceeding and in a judicial proceeding pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act.
- (f) The Commissioner may file in the office of the clerk of the superior court of the county wherein the person, against whom a civil penalty has been ordered, resides, or if a corporation is involved, in the county wherein the corporation maintains its principal place of business, or in the county wherein the violation occurred, a certified copy of a final order of the Commissioner unappealed from, or of a final order of the Commissioner affirmed upon appeal. Whereupon, the clerk of said court shall enter judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in a suit duly heard and determined by the superior court of the General Court of Justice.

§ 95-110.11. Violations; criminal penalties.

- (a) Any person who violates G.S. 95-110.8 (Operation of unsafe device or equipment) shall be guilty of a Class 2 misdemeanor.
- (b) Any person misrepresenting himself as an authorized inspector administering or enforcing the provisions of this Article or the rules and regulations promulgated thereunder shall be guilty of a Class 2 misdemeanor.
- (c) Any person knowingly making a material and false statement, representation or certification in any application, record, report, plan or any other document filed or required to be maintained pursuant to this Article or the rules and regulations promulgated thereunder shall be guilty of a Class 2 misdemeanor which may include a fine of up to five thousand dollars (\$5,000).