

N.C.P.I.-Crim. 257.12
GIVING ADVANCE NOTICE OF OSHA INSPECTION WITHOUT
AUTHORIZATION. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2010
N.C. Gen. Stat. § 95-139

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The defendant has been charged with giving advance notice of an inspection to be conducted pursuant to the Occupational Health and Safety Act of North Carolina (OSHANC) without authority from [the Commissioner] [the Director] [an agent to whom such authority had been delegated].

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant gave advance notice of an inspection¹ to be conducted pursuant to the Occupational Health and Safety Act of North Carolina (OSHANC).

And Second, that the defendant acted without authority from [the Commissioner²], [the Director³] [an agent to whom such authority had been delegated].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant gave advance notice of an inspection to be conducted pursuant to the Occupational Health and Safety Act of North Carolina (OSHANC) without authority from [the Commissioner] [the Director] [an agent to whom such authority had been delegated], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 95-136.

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2. The term "Commissioner" means the Commissioner of Labor of North Carolina.

3. The term "Director" means the officer or agent appointed by the Commissioner of Labor for the purpose of assisting in the administration of the Occupational Safety and Health Act of North Carolina.