



Issue Date: 04 March 2008

Case No.: 2008-SOX-00017

In the Matter of:

WILLIAM DOHERTY,
Complainant,

v.

CERTIFIED MANAGEMENT, INC.,
Respondent.

DECISION AND ORDER
DISMISSING COMPLAINT

This matter arises out of a complaint filed by William Doherty (“Complainant”) against Certified Management, Inc., (“Respondent”) under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C.A. § 1514A (“SOX” or the “Act”). On December 13, 2007, OSHA issued a final determination letter finding that the Respondent is not a company within the meaning of the Act because it does not have a class of securities registered under Section 12 of the Securities Exchange Act of 1934 (“SEA”) and is not required to file reports under Section 15(d) of SEA. Additionally, OSHA determined that the Complainant is not an employee covered under the Act. Consequently, OSHA determined that it lacks jurisdiction to conduct an investigation and dismissed the complaint. The Complainant submitted his objections to the Secretary’s Findings to this office on January 10, 2008. After a review of the record, I issued an Order to Show Cause, ordering the Complainant to demonstrate why this claim should not be dismissed. To date, the Complainant has not responded.

There is no evidence in the record to support the conclusion that the Respondent is a company subject to Section 806 of SOX. OSHA has determined that the Respondent does not have a class of securities registered under Section 12 of SEA and is not required to file reports

under Section 15(d) of the SEA. The Complainant offers no evidence to rebut this conclusion. As a result, this matter is hereby DISMISSED for want of jurisdiction. SO ORDERED.

A

John M. Vittone
Chief Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) with the Administrative Review Board (“Board”) within ten (10) business days of the date of the administrative law judge’s decision. *See* 29 C.F.R. § 1980.110(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See* 29 C.F.R. § 1980.110(c). Your Petition must specifically identify the findings, conclusions or orders to which you object. Generally, you waive any objections you do not raise specifically. *See* 29 C.F.R. § 1980.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. The Petition must also be served on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

If no Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.109(c). Even if you do file a Petition, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days after the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).